

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-001**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
RICHARD VANDEN BOSCH FROM THE AIRPORT ADVISORY  
COMMITTEE, EFFECTIVE JANUARY 6, 2004**

WHEREAS, RICHARD VANDEN BOSCH was appointed a member of the Airport Advisory Committee on February 25, 2003; and

WHEREAS, RICHARD VANDEN BOSCH has tendered his resignation from the Airport Advisory Committee effective January 6, 2004; and

WHEREAS, RICHARD VANDEN BOSCH has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of RICHARD VANDEN BOSCH from the Airport Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to RICHARD VANDEN BOSCH for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-002**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
CHELLA GONSALVES FROM THE CULTURE COMMISSION, EFFECTIVE  
JANUARY 6, 2004**

WHEREAS, CHELLA GONSALVES was appointed a member of the Culture Commission on December 11, 2001; and

WHEREAS, CHELLA GONSALVES has tendered his resignation from the Culture Commission effective January 6, 2004; and

WHEREAS, CHELLA GONSALVES has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of CHELLA GONSALVES from the Culture Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to CHELLA GONSALVES for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich

Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-003**

**A RESOLUTION APPROVING AN AMENDMENT TO A LEASE  
AGREEMENT WITH GREYHOUND FOR THE LEASE OF SPACE AT THE  
TRANSPROTATION CENTER AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE THE AMENDMENT.**

WHEREAS, a lease agreement was entered into by the City of Modesto and Greyhound Lines, Inc. on the 27<sup>th</sup> day of October 1992 to lease facilities in the Modesto Transportation Center located at 1001 Ninth Street, Modesto, and

WHEREAS, said lease actually commenced on January 10, 1994, the date Greyhound Lines, Inc. opened for business in the Transportation Center, and

WHEREAS, said lease agreement gives Greyhound Lines, Inc., the option to extend the lease term for three consecutive five-year options, and

WHEREAS, said lease was amended on March 9, 1999, to extend the lease for five additional years and provide for rental provision adjustments, and

WHEREAS, the City and Greyhound Lines, Inc., desire to again amend the provisions of said lease agreement to extend the term of said lease agreement for an additional five-year term and provide for rental provision adjustments, and

WHEREAS, the Economic Development Committee met on December 8, 2003, and concurred with staff's recommendation to amend Greyhound Bus Lines' lease at the Modesto Transportation Center to extend the term of the lease to January 9, 2009, and to revise the payment amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the lease agreement with Greyhound Lines, Inc. to extend the lease an additional five years through January 9, 2009 and provide for rental provision adjustments.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-004**

**A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT WITH STANISLAUS COUNTY FOR THE LEASE OF SPACE AT THE TRANSPORTATION CENTER TO EXTEND THE TERM OF LEASE THROUGH JANUARY 9, 2009, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE LEASE AGREEMENT.**

WHEREAS, a lease agreement was entered into by the City of Modesto and Stanislaus County on the 14<sup>th</sup> day of December 1993 to lease facilities in the Modesto Transportation Center located at 1001 Ninth Street, Modesto, and

WHEREAS, said lease actually commenced on January 10, 1994, the date Stanislaus County opened for business in the Transportation Center, and

WHEREAS, said lease agreement gives Stanislaus County the option to extend the lease term for three consecutive five-year options, and

WHEREAS, said lease was amended on September 29, 1999 to extend the lease for five additional years, to revise paragraph 10 and add paragraphs 18.a., 18.b and 18.c., and

WHEREAS, the City and Stanislaus County desire to again amend the provisions of said lease agreement to extend the term of said lease agreement for an additional five-year term, and

WHEREAS, the Economic Development Committee at its meeting of December 8, 2003, concurred with staff's recommendation to amend Stanislaus County's lease agreement at the Modesto Transportation Center to extend the term of the lease to January 9, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the lease agreement with Stanislaus County to extend the lease an additional five years through January 9, 2009.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004 by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-005**

**A RESOLUTION APPROVING A SECOND CONTRACT AMENDMENT WITH THOMPSON-HYSELL ENGINEERS, A DIVISION OF THE KEITH COMPANIES, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$10,200.00, FOR ADDITIONAL WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT AND FOR REIMBURSABLE EXPENSES, ALL TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE PELANDALE INTERSECTION IMPROVEMENTS AND THE PRESCOTT/SNYDER TRAFFIC SIGNAL PROJECTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT**

WHEREAS, on January 14, 2003, the City Council approved a professional services agreement with Thompson-Hysell Engineers, a division of The Keith Companies, Inc., a California Corporation in the amount of \$179,380.00, to develop engineering plans for the design of the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal, and

WHEREAS, on October 7, 2003, the City Council approved the first amendment to agreement with Thompson-Hysell Engineers in the amount of \$22,041.85, to provide additional services to resolve right-of-way issues, to prepare ultimate design and improvement plans, to perform miscellaneous design changes, and for reimbursable expenses in accordance with the original agreement, and

WHEREAS, on or about November 4, 2003, Thompson-Hysell Engineers submitted to City scope of work revisions and a fee schedule and requested a second amendment to the original Agreement in the not to exceed amount of \$9,700.00, to provide additional engineering design on Prescott Road south of Pelandale, and

WHEREAS, Thompson-Hysell Engineers has also requested a fee proposal for reimbursable expenses in the not to exceed amount of \$500.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the second amendment to agreement with Thompson-Hysell Engineers, in the not to exceed amount of \$10,200.00, for additional design services and for reimbursable expenses for the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-006**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$164,855  
CONTRACT WITH ALLRIGHT DIVERSIFIED SERVICES, INC., FOR THE  
PROJECT TITLED "ADA UPGRADES FOR KING-KENNEDY MEMORIAL  
CENTER," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
AGREEMENT**

WHEREAS, the bid received for the ADA Upgrades for King-Kennedy Memorial Center, was opened at 11:00 a.m. on December 16, 2003, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$164,855.00 received from Allright Diversified Services, Inc., be accepted as the lowest responsible bid and the contract be awarded to Allright Diversified Services, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$164,855.00, and hereby awards Allright Diversified Services, Inc., the contract titled "ADA Upgrades for King-Kennedy Memorial Center" in the amount of \$164,855.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-007**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$208,760  
CONTRACT WITH PACIFIC LINERS, INC., FOR THE PROJECT TITLED  
"2004 SEWER MAIN AND BRICK MANHOLE REHABILITATION," AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the bids received for the 2004 Sewer Main and Brick Manhole Rehabilitation project were opened at 11:00 a.m. on December 16, 2003, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$208,760 received from Pacific Liners, Inc., be accepted as the lowest responsible bid and the contract be awarded to Pacific Liners, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$208,760, and hereby awards Pacific Liners, Inc., the contract titled "2004 Sewer Main and Brick Manhole Rehabilitation."

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-008**

**RESOLUTION AWARDING THE BID AND APPROVING A \$660,445  
CONTRACT WITH THE MCDONALD GLENN COMPANY FOR THE  
PROJECT TITLED "INTERIOR IMPROVEMENTS AT THE WASTEWATER  
COLLECTION MAINTENANCE BUILDING," AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the bids received for the INTERIOR IMPROVEMENTS AT THE WASTEWATER COLLECTION MAINTENANCE BUILDING project were opened at 11:00 a.m. on December 9, 2003, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$660,445.00 received from THE MCDONALD GLENN COMPANY, be accepted as the lowest responsible bid and the contract be awarded to THE MCDONALD GLENN COMPANY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$660,445.00, and hereby awards THE MCDONALD GLENN COMPANY, the contract titled "INTERIOR IMPROVEMENTS AT THE WATER COLLECTION MAINTENANCE BUILDING."

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-009**

**RESOLUTION AWARDING THE BID AND APPROVING A \$280,000 CONTRACT WITH CALWATER DRILLING COMPANY, INC., FOR THE PROJECT TITLED "WATER WELL DEVELOPMENT," AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE EXTENSION OF THE CONTRACT TWO ADDITIONAL ONE-YEAR PERIODS WITH THE APPROVAL OF THE DIRECTOR OF ENGINEERING AND TRANSPORTATION IN THE AMOUNT OF \$280,000 PER YEAR**

WHEREAS, the bids received for the WATER WELL DEVELOPMENT project were opened at 11:00 a.m. on November 18, 2003, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$280,000.00 received from CALWATER DRILLING COMPANY, INC., be accepted as the lowest responsible bid and the contract be awarded to CALWATER DRILLING COMPANY, INC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$280,000.00, and hereby awards CALWATER DRILLING COMPANY, INC, the contract titled "WATER WELL DEVELOPMENT."

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

BE IT FURTHER RESOLVED that the Engineering & Transportation Director is hereby authorized to extend the contract up to two one-year periods for an amount of \$280,000 each year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -010**

**A RESOLUTION APPROVING A LAW ENFORCEMENT PERSONNEL  
REIMBURSEMENT AGREEMENT WITH THE TRANSPORTATION  
SECURITY ADMINISTRATION FOR SECURITY SERVICES AT THE  
MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY  
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT ON  
BEHALF OF THE CITY**

WHEREAS, the Aviation and Transportation Safety Act was enacted by the President and Congress on November 19, 2001, which established the Transportation Security Administration (TSA), and

WHEREAS, TSA is responsible for providing civil aviation security at the Modesto City-County Airport, and

WHEREAS, TSA is empowered to order the deployment of law enforcement personnel authorized to carry firearms at each airport passenger security screening location, and

WHEREAS, TSA has called upon the City of Modesto to make its police officers available as the law enforcement component of the security force at the Modesto City-County Airport, and

WHEREAS, said deployment of officers is recognized as an expense to the City of Modesto and TSA is willing to provide reimbursement for the costs associated with this activity, and

WHEREAS, TSA has prepared a Law Enforcement Personnel Reimbursement Agreement establishing the parameters by which the City of Modesto will be reimbursed for its costs, and

WHEREAS, TSA and the City of Modesto mutually agree that the terms of the Reimbursement Agreement are acceptable to both agencies and desire to execute said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Law Enforcement Personnel Reimbursement Agreement between the Transportation Security Administration and the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute the Reimbursement Agreement on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**LAW ENFORCEMENT PERSONNEL  
REIMBURSEMENT AGREEMENT  
BETWEEN THE  
TRANSPORTATION SECURITY ADMINISTRATION AND  
CITY OF MODESTO**

**DEPARTMENT OF HOMELAND SECURITY  
TRANSPORTATION SECURITY ADMINISTRATION**

**SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY**

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED WITHOUT THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC 20590. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. § 552.

**REIMBURSEMENT AGREEMENT BETWEEN  
THE TRANSPORTATION SECURITY ADMINISTRATION AND  
CITY OF MODESTO  
REGARDING LAW ENFORCEMENT SERVICES AT  
MODESTO CITY COUNTY AIRPORT H SHAM FIELD (MOD)**

**I. PARTIES**

The parties to this Reimbursement Agreement (RA) or otherwise referred to herein as “Agreement” are the Transportation Security Administration (TSA) and City of Modesto.

**II. BACKGROUND**

On November 19, 2001, the President and Congress enacted the Aviation and Transportation Security Act (ATSA), P.L. 107-71, 115 Stat. 597, which established TSA as a new Federal agency. ATSA provides authority to the Administrator of the Transportation Security Administration to carry out chapter 449 of Title 49 United States Code relating to civil aviation security, including responsibility for supervision of screening passengers and property at airports, and for ordering the deployment of law enforcement personnel (LEOs) authorized to carry firearms at each airport security passenger-screening location to ensure passenger safety and national security. See 49 U.S.C. §§ 44901. Much of the authority of the Administrator of the Transportation Security Administration provided by ATSA and the United States Code has been delegated to the Assistant Administrator for Aviations Operations and to the Federal Security Directors (FSDs). The FSD is TSA’s representative for security matters at the airport.

Pursuant to 49 U.S.C. § 44903(c) and 49 C.F.R. Part 1542, each Airport Authority is required to establish an air transportation security program that provides a law enforcement presence and capability at the airport that is adequate to ensure the safety of passengers. This reimbursable agreement is part of the cooperative effort of TSA through the FSD and the City of Modesto to deploy sufficient law enforcement officers to meet their dual responsibility to ensure the safety of passengers and to counter risks to transportation security.

**III. AUTHORITY**

TSA enters into this RA under the authority of 49 U.S.C. §§ 106(m) and 114(m). TSA has programmatic authority for the activities undertaken in this RA pursuant to 49 U.S.C. §§ 114(g), 44901(g), 44903(e) and 44922(f).

City of Modesto enters into this RA under the authority of City Council Resolution No 2003-

## **IV. SCOPE**

### **A. Purpose**

The purpose of this RA is to provide reimbursement (subject to the availability of appropriated funds) for LEOs provided by the City of Modesto Police Department at the hourly rate, mutually agreed to by the parties in Appendix A of this RA, for providing qualified law enforcement services on-site at Modesto City County Airport H Sham Field and to provide law enforcement response to the security passenger-screening checkpoints in keeping with requirements provided by TSA. This RA neither guarantees nor forbids reimbursement through other United States Government programs that may be available as long as the United States Government does not pay, fund or reimburse the City of Modesto Police Department for the same expenses incurred by the qualified LEO in performing such services while assigned on-site at the airport to respond to the security passenger-screening checkpoints at Modesto City County Airport H Sham Field. The City of Modesto Police Department is prohibited from seeking or obtaining double recovery for LEOs services performed at airports.

### **B. Contributions of the Parties**

(1) The City of Modesto is responsible for providing qualified LEOs at airports it operates in accordance with the most recent version of Security Directive 1542-01-07 (series), or other subsequent and superseding regulations or documents regarding law enforcement services regardless of the status of this RA.

(2) TSA agrees to pay pursuant to Appendix A the fixed hourly rate of the qualified LEOs for on-site response to airport security passenger-screening checkpoints supplied by City of Modesto Police Department pursuant to the terms of this RA. Payment is subject to the availability of appropriated funds and compliance with the requirements of the applicable Security Directive(s), the Airport Security Program, and regulations or documents regarding law enforcement services as noted in Sub article (1) of this Paragraph above. Such appropriated funds shall cover such LEO services provided to the airport security passenger-screening checkpoints from execution of this RA while this RA remains in force in accordance with Article XV, Effective Date and Term of Agreement, Amendments, and Modifications of this RA or until such time as this RA is terminated in accordance with Article XVII, Termination. The applicable Security Directive (S.D.) under which TSA makes payment for services is the S.D. that was in effect on the day the Contracting Officer signs this RA.

### **C. Actions for Noncompliance or Material Breach**

If City of Modesto does not comply with all of the terms and requirements of this RA, or if a disagreement arises on the interpretation of the provisions of this RA, or modifications and/or revisions thereto, the Contracting Officer in consultation with the FSD will attempt to resolve the matter. If the matter cannot be resolved, the Contracting Officer will determine with the FSD the materiality of the breach and/or resolution of the interpretation of the RA and the appropriate action(s) that may be taken. The Contracting Officer's determination and proposed action will be in writing and shall be presented to City of Modesto by either the FSD or the Contracting Officer.

A material breach and/or resolution of the interpretation of this RA may result in action by the Contracting Officer including but not limited to: suspension or termination of the RA; withholding and/or termination of reimbursement to City of Modesto.

If action based on noncompliance is taken, the Contracting Officer's determination of a material breach and associated action may be appealed in accordance with Article XX of this RA. Should the City of Modesto have a continuing disagreement with the interpretation of the RA that interpretation may be appealed also in accordance with Article XX of this RA.

## **V. FUNDING AND PAYMENT**

### **A. Limitation of Funds**

The total estimated funding of this RA for Federal fiscal year 2004 shall not exceed \$125,534.34 as payment for City of Modesto Police Department providing the required law enforcement services on-site at the airport for response to the security passenger-screening checkpoints in accordance with the terms of this RA, Security Directive 1542-01-07 (series), the Airport Security Program, or other subsequent and superseding regulations or documents regarding law enforcement services for aviation security. Reimbursement is limited to payment for actual hours of LEO service at the agreed fixed hourly rate. The total estimated funding of this RA will be revised annually either by modification of this RA or by purchase order. The total estimated funding is considered to be a ceiling that City of Modesto may not exceed (except at its own financial risk) without the written approval of the Contracting Officer.

### **B. Ceiling on Payment**

The funding ceiling amount of this RA provided by Paragraph A of Article V. of \$125,534.34 may only be increased by mutual agreement of the parties. The funds presently available for payment and allotted to this RA are \$62,767.17. It is estimated that funding for this RA is sufficient to support providing the required law enforcement services on-site at the airport for response to the security passenger-screening checkpoints in accordance with the terms of this RA, Security Directive 1542-01-07 (series), the Airport Security Program, or other subsequent and superseding regulations or documents regarding law enforcement services for aviation security and meeting the level of effort stated in Appendix A from the effective date of this agreement through September 30, 2004.

### **C. Process for Funding**

This RA may be incrementally funded during the fiscal year subject to the availability of Federal funds. Funds presently available for payment and allotted to this RA are \$62,767.17

PR Number	PREQ 04-LEF-060
Accounting Data	05AV000000-2004-1C2BLEFA21-2B11MOD000-25407
Amount	\$62,767.17

**D. Billing Instructions**

Invoices shall contain the information listed below. City of Modesto shall submit invoices to the following with **a full copy to the FSD**:

For FedEx or other overnight services, and/or US Mail:

Transportation Security Administration  
LEO Reimbursement Program  
TSA-Headquarters, East Building  
Floor 8, TSA-7  
601 South 12<sup>th</sup> Street  
Arlington, VA 22202-4220

Payment for work performed under this RA will be made as soon as possible after receipt of invoices, subject to review and approval by the Contracting Officer and other TSA designated representatives. Should any relevant information reflected on submitted invoices be questioned, the Contracting Officer may withhold all amounts in question until such time as the information is confirmed.

Invoices shall be submitted no more frequently than monthly and shall only reflect the hours of LEO service provided at the fixed hourly rate accumulated through City of Modesto normal month-end accounting cutoff date. City of Modesto invoice formats are acceptable. However, all invoices shall, as a minimum include the following:

1. Reimbursable Agreement Number – this number appears at the top of the cover sheet for this RA. The complete number must be provided and will appear in the following alpha (A)-numeric (N) sequence: HSTS01-04-A-LEFN
2. Invoice Date
3. Invoice Number
4. Name and Address of Party Requesting Reimbursement
5. Point of Contact, with Address, Telephone, Fax and Email Contact Information
6. Tax Identification Number
7. Period of Service for which Reimbursement is Requested (from and to dates)
8. Description of Services Performed
9. Total Number of LEO Hours Billed for Time Period
10. Total Amount of Reimbursement Requested
11. Electronic Funds Transfer (EFT) Banking Information (only required on first submitted invoice unless information changes)
12. Remittance Address
13. Certification of Requester, including the following language:

*This is to certify that the services set forth herein were performed during the period stated and that the invoice is for hours actually worked.*

14. Signature of Requester's Authorized Representative with Date

The Department of Transportation will make payment using the Automatic Clearing House (ACH) Network, unless City of Modesto requests a waiver. After award, but before submitting the first invoice, City of Modesto shall designate a financial institution for receipt of electronic funds transfer payments.

Said submission shall be done on a Standard Form 3881 which can be found at [www.gsa.gov/forms](http://www.gsa.gov/forms). Submit this form to the TSA Finance Office indicated for the receipt of invoices.

**E. Prompt Payment**

Notwithstanding any other payment clause in this RA, the Government will make invoice payments under the terms and conditions specified in this clause. Payment shall be considered as being made on the day a check is dated or an electronic funds transfer is made. All days referred to in this clause are calendar days, unless otherwise specified.

(a) Invoice Payments.

(1) For purposes of this clause, invoice payment means a Government disbursement of monies to City of Modesto under a contract or other authorization for supplies or services accepted by the Government. This includes payments for partial deliveries that have been accepted by the Government, final payments under T&M and labor-hour contracts, and final cost or fee payments where amounts owed have been settled between the Government and City of Modesto.

(2) Except as indicated in Sub article (a)(3) and Article (c) of this clause, the due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from City of Modesto.

(ii) The 30th day after Government acceptance of services performed by City of Modesto. On a final invoice where the payment amount is subject to contract settlement actions, acceptance shall be deemed to have occurred on the effective date of the contract settlement. However, if the designated billing office fails to annotate the invoice with the actual date of receipt, the invoice payment due date shall be deemed to be the 30th day after the date City of Modesto's invoice is dated, provided a proper invoice is received and there is no disagreement over quantity, quality, or City of Modesto compliance with contract requirements.

(3) An invoice is City of Modesto's bill or written request for payment under the contract for supplies delivered or services performed. An invoice shall be prepared and submitted to the designated billing officer specified in the contract. A proper invoice must include the items listed in Article V, Paragraph D above. If the invoice does not comply with these requirements, then City of Modesto will be notified of the defect within seven (7) days after receipt of the invoice at the designated billing office. Untimely notification will be taken into account in the computation of any interest penalty owed City of Modesto in the manner described in Sub article (a)(6) of this clause.

(4) An interest penalty shall be paid automatically by the Government, without request from City of Modesto, if payment is not made by the due date and the conditions listed in subdivisions (a)(4)(i) through (a)(4)(iii) of this clause are met, if applicable.

(i) A proper invoice was received by the designated billing office.

(ii) A receiving report or other Government documentation authorizing payment was processed and there was no disagreement over quantity, quality, or City of Modesto compliance with any contract term or condition.

(iii) In the case of a final invoice for any balance of funds due City of Modesto for supplies delivered or services performed, the amount was not subject to further contract settlement actions between the Government and City of Modesto.

(5) The interest penalty amount, interest rate and the period for which the interest penalty was computed, will be separately stated by the designated payment office on the check, in accompanying remittance advice, or, in the case of wire transfers, by an appropriate electronic data message accompanying the wire transfer. If the designated billing office failed to notify City of Modesto of a defective invoice within the periods prescribed in Sub article (a)(3) of this clause, then the due date on the corrected invoice will be adjusted by subtracting the number of days taken beyond the prescribed notification of defects period. Any interest penalty owed City of Modesto will be based on this adjusted due date. Adjustments will be made by the designated payment office for errors in calculating interest penalties, if requested by City of Modesto.

(i) For the sole purpose of computing an interest penalty that might be due City of Modesto, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in this contract) after City of Modesto delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality, or City of Modesto's compliance with a contract

provision. In the event that actual acceptance occurs within the constructive acceptance period, the determination of an interest penalty shall be based on the actual date of acceptance. The constructive acceptance requirement does not, however, compel Government officials to accept supplies or services, perform contract administration functions, or make payment prior to fulfilling their responsibilities.

(ii) The following periods of time will not be included in the determination of an interest penalty:

(A) The period taken to notify City of Modesto of defects in invoices submitted to the Government, but this may not exceed seven (7) days.

(B) The period between the defects notice and resubmission of the corrected invoice by the City of Modesto.

(C) Any period of delay caused by incorrect electronic funds transfer (EFT) information, in accordance with the EFT clause of this contract.

(iii). Interest penalties of less than \$1.00 need not be paid.

(iv) Interest penalties are not required on payment delays due to disagreement between the Government and City of Modesto over the payment amount or other issues involving contract compliance or on amounts temporarily withheld or retained in accordance with the terms of the RA. Contract disputes, and any interest that may be payable, will be resolved in accordance with TSA contract disputes resolution procedures.

(6) An interest penalty shall also be paid automatically by the designated payment office, without request from City of Modesto, if a discount for prompt payment is taken improperly. The interest penalty will be calculated as described in Sub article (a)(5) of this clause on the amount of discount taken for the period beginning with the first day after the end of the discount period through the date when City of Modesto is paid.

## **VI. AUDITS**

TSA shall have the right to examine or audit relevant financial records for a period of three (3) years after expiration of the terms of this RA. City of Modesto must maintain an established accounting system that complies with generally accepted accounting principles.

**A. Audit and Records**

As used in this clause, records includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.

**B. Examination of Records**

This is a fixed labor-hour rate RA, under which City of Modesto shall maintain and the Contracting Officer, Contracting Officer's Representative, or an authorized representative of the Contracting Officer, or other authorized Federal official shall have the right to examine and audit all records and other evidence sufficient to reflect properly all hours claimed to have been incurred in performance of this RA. This right of examination shall include inspection at all reasonable times of City of Modesto offices, or parts of them, engaged in performing the RA. City of Modesto shall provide notice to TSA of the location and custodian of supporting documentation to include Time Sheets, Payroll Report or Other Documentation that substantiates the hours worked under the RA and will make them available for review during normal working hours when requested by an authorized Federal official.

**C. Comptroller General**

The Comptroller General of the United States, or an authorized representative, shall have access to and the right to examine any of City of Modesto's directly pertinent records involving transactions related to this RA or a subcontract hereunder.

This Article may not be construed to require City of Modesto or subcontractor to create or maintain any record that City of Modesto or subcontractor does not maintain in the ordinary course of business or pursuant to a provision of law.

**D. Availability**

City of Modesto shall make available at its office at all reasonable times the records, materials and other evidence described in Articles (A), (B), and (C) of this clause, for examination, audit, or reproduction, until three (3) years after final payment under this RA, or for any longer period required by statute or by other clauses of this RA. In addition:

- (1) If this RA is completely or partially terminated, the records relating to the work terminated shall be made available for three (3) years after any resulting final termination settlement; and
- (2) Records relating to appeals under the "Contract Disputes" clause or to litigation or the settlement of contract disputes arising under or relating to this RA shall be made available until such appeals, litigation, or contract disputes are finally resolved.

**E. Flow Down Clause**

City of Modesto shall insert a clause containing all the terms of Article VI. of this RA, including this Paragraph (E), in all subcontracts to perform services there under that are labor-hour rate contracts for LEOs.

This clause may be altered only as necessary to identify properly the contracting parties and the Contracting Officer under this RA.

**F. Refund of Payments**

The Contracting Officer has the right to demand the return of payments made to City of Modesto should the Contracting Officer determine that the hours used to calculate the invoice exceeds the actual hours worked by City of Modesto.

**VII. CONTRACTING OFFICER'S REPRESENTATIVE**

The Contracting Officer will designate a Contracting Officer's Representative (COR) to act as his or her authorized representative for contract administration functions which do not involve changes to the scope, performance, price, schedule, or terms and conditions of the RA. The designation will be in writing, signed by the Contracting Officer, and will set forth the authorities and limitations of the representative(s) under the RA. Such designation will not contain authority to sign contractual documents, order contract changes, modify contract terms, or create any commitment or liability on the part of the Government different from that set forth in the RA.

City of Modesto shall immediately contact the Contracting Officer if there is any question regarding the authority of an individual to act as a representative of the Contracting Officer under this RA.

The COR for this RA is:

**Toni Smith  
Transportation Security Administration  
TSA Headquarters, East Tower  
Floor #8, TSA-7  
601 South 12<sup>th</sup> Street  
Arlington, VA 22202-4220  
(571) 227-2467**

## **VIII. RECORDS AND RELEASE OF INFORMATION**

In the course of service under this RA, LEOs will have access to certain information called "Sensitive Security Information" or SSI, which is protected by Federal statute and regulation. LEOs may also create and maintain records that contain SSI, such as investigative reports that relate to aviation security. SSI is specifically defined in 49 CFR 1520.7. LEOs assigned to work under this RA are subject to the duties and requirements imposed by 49 CFR Part 1520, Protection of Sensitive Security Information. As such, they may not publicly disclose SSI in any context, including litigation or pursuant to a state open records act request, without the advance approval of TSA as provided in 49 C.F.R. part 1520. If a party in a legal proceeding seeks SSI in discovery or otherwise seeks disclosure of SSI from a LEO performing duties under this agreement, the LEO must provide immediate notice of the request for SSI to the FSD or the FSD's designee, who will, in turn, forward the request to TSA's Field Counsel. LEOs asked to testify about purely factual matters that do not reveal SSI may do so without consultation with TSA.

All records created by LEOs that contain SSI shall be marked with the following legend:

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED WITHOUT THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON D.C. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC AVAILABILITY IS DETERMINED UNDER 5 U.S.C. 552.

## **IX. LEGAL DOCUMENTS**

A copy of any summons, complaint, subpoena, or other legal document served upon a State or local LEO that is related to a legal proceeding that seeks records or testimony containing SSI shall be promptly forwarded to the FSD or the FSD's designee for forwarding to TSA's Field Counsel.

## **X. PROTECTION OF INFORMATION**

The parties agree that they shall take appropriate measures to protect proprietary, privileged, or otherwise confidential information that may come into their possession as a result of this RA, including SSI as explained in Article VIII above.

## **XI. MEDIA INQUIRIES**

All media releases and other contact with or by media specific to the Security Directive 1542-01-07 (series), the Airport Security Program, or other subsequent and superseding regulations or documents regarding law enforcement services for aviation security shall be coordinated with the FSD or the FSD's designee. All media releases and other contact with or by media on the terms and conditions of this RA shall be coordinated with the Contracting Officer. See Article XIX.

## **XII. GENERAL ALLOCATION OF LIABILITY**

Unless specifically addressed by the terms of this RA or otherwise provided by Federal law, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees.

## **XIII. OTHER PROVISIONS**

Nothing in this RA or any appendix thereto is intended to conflict with current law or regulation or the directives of DHS, TSA, or any other Executive Department. If a term of this RA or any appendix thereto is inconsistent with such authority, then that term shall be invalid to the extent of such inconsistency, but the remainder of that term and all other terms and conditions of this RA and any appendix thereto shall remain in full force and effect.

## **XIV. RIGHTS AND BENEFITS**

Nothing in this RA is intended to diminish or otherwise affect the authority of any agency to carry out its statutory, regulatory, or other official functions, nor is it intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies or officers, state agencies or officers carrying out programs authorized under Federal law, or any other person.

## **XV. EFFECTIVE DATE AND TERM OF AGREEMENT, AMENDMENTS, AND MODIFICATIONS**

This RA will become enforceable when signed by all parties. The effective date and term of this RA is October 1, 2003 and shall continue in effect until September 30, 2004, unless terminated earlier by the parties as provided herein. The termination of this RA by either party does not, in itself, relieve the The City of Modesto from compliance with any Federal law, rule, regulation, or directive in effect.

Changes and/or modifications to this RA shall be in writing and signed by a TSA Contracting Officer and the City Manager, Jack R. Crist. The modification shall cite the subject RA, and shall state the exact nature of the modification. No oral statement by any person shall be interpreted as modifying or otherwise affecting the terms of this RA.

## **XVI. OPTION TO EXTEND AGREEMENT**

The TSA may elect to continue performance under this RA with the limits and at the rates specified in Appendix A and Appendices A-1 through A-3 as applicable to this RA. This option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed four (4) years. The Contracting Officer may exercise the option by written notice to City of Modesto within thirty (30) days of the end of the term of the RA.

## **XVII. TERMINATION**

In addition to any other termination rights provided by this RA, either party may terminate this RA at any time prior to its expiration date, with or without cause, and without incurring any liability or obligation to the terminated party (other than payment of amounts due and owing and performance of obligations accrued, in each case on or prior to the termination date) by giving the other party at least thirty (30) days prior written notice of termination. Termination by any party does not, in itself, relieve the The City of Modesto from compliance with any Federal law, rule, regulation, or directive in effect.

In the event of termination or expiration of this RA, any funds that have not been spent or obligated for allowable expenses prior to the date of termination, and are not reasonably necessary to cover termination expenses shall be unilaterally de-obligated via a modification to the purchase order that is issued as a result of this RA.

## **XVIII. ORDER OF PRECEDENCE**

In the event of any inconsistency between the terms of the RA or any law, regulation, or Security Directive, the inconsistency shall be resolved by giving preference in the following order:

- (1) Laws, Regulations, Security Directives
- (2) This RA, then
- (3) The Appendices to this RA

## **XIX. POINTS OF CONTACT**

The contacts of each party to this RA are:

**Toni Smith**  
**Contracting Officer's Representative**  
**Transportation Security Administration**  
**TSA Headquarters, East Tower, Floor #8, TSA-7**  
**601 South 12<sup>th</sup> Street**  
**Arlington, VA 22202-4220**  
**Telephone: 571-227-2467**  
**Email: toni.smith@dhs.gov**

**Holly Hamilton Bolger**  
**Contracting Officer**  
**Transportation Security Administration**  
**TSA Headquarters, West Tower, Floor #4, TSA-25**  
**601 South 12<sup>th</sup> Street**  
**Arlington, VA 22202-4220**  
**Telephone: (571) 227-3036**  
**Email: holly.bolger@dhs.gov**

**Michael Hardin**  
**Captain, Modesto Police Department**  
**City of Modesto**  
**P.O. Box 1746,**  
**Modesto, CA 95353**  
**(209) 572-9861**  
**mharden@modestogov.com**

The parties agree that if there is a change regarding the information in this Article, the party making the change will notify the other parties in writing of such change.

## **XX. RESOLUTION OF DISAGREEMENTS**

### **A. Material Breach**

If action based on noncompliance with the terms of the RA is taken under Article IV, the Contracting Officer's determination of a material breach and associated action may be appealed to the Assistant Administrator for Aviation Operations. Appeals must be submitted in writing to the Assistant Administrator for Aviation Operations, via the FSD and Contracting Officer within 60 days of the receipt of the TSA determination that a material breach of this RA has occurred. The appeal shall state the specific basis for contesting the determination of a material breach. The appeal will be reviewed by the TSA Assistant Administrator for Aviation Operations, who shall render a decision regarding the appeal with the concurrence of the Director, TSA Office of Acquisitions and the Deputy Chief Counsel for Procurement.

### **B. Interpretation**

Should disagreement arise on the interpretation of the provisions of this RA, or amendments and/or revisions thereto that cannot be resolved by the Contracting Officer in consultation with the FSD as provided in Article IV. C., the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement on interpretation is not reached within sixty (60) days, the parties shall forward the written presentation of the disagreement to the TSA Assistant Administrator for Aviation Operations, who shall render a decision regarding the disagreement with the concurrence of the Director, TSA Office of Acquisition and the TSA Deputy Chief Counsel for Procurement.

Any appeal of decisions under A. or B. above will be subject to applicable Federal law.

**XXI. APPROVED BY**

The undersigned represent and warrant that they have full authority to sign the instant document and bind the parties in question.

\_\_\_\_\_  
**Jack R. Crist**  
**City Manager**  
**City of Modesto, California**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Holly Hamilton Bolger**  
**Contracting Officer**  
**Transportation Security Administration**

\_\_\_\_\_  
**Date**

**APPENDIX A**

**BASE YEAR -- FY 2004  
(October 1, 2003 – September 30, 2004)**

Airport Code	Total Average On-Site Hours Per Day	Fixed Average Hourly Rate	Estimated FY 2004 Funding
MOD	9	\$38.11	\$125,534.34

**SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY**

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**APPENDIX A-1**

**OPTION YEAR 1 -- FY 2005  
(October 1, 2004 – September 30, 2005)**

Airport Code	Total Average On-Site Hours Per Day	Fixed Average Hourly Rate	Estimated FY 2005 Funding
MOD	9	\$39.25	\$128,936.25

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**APPENDIX A-2**

**OPTION YEAR 2 -- FY 2006  
(October 1, 2005 – September 30, 2006)**

Airport Code	Total Average On-Site Hours Per Day	Fixed Average Hourly Rate	Estimated FY 2006 Funding
MOD	9	\$40.43	\$132,812.55

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**APPENDIX A-3**

**OPTION YEAR 3 -- FY 2007  
(October 1, 2006 – September 30, 2007)**

Airport Code	Total Avg On-Site Hours Per Day	Fixed Average Hourly Rate	Estimated FY 2007 Funding
MOD	9	\$41.64	\$136,787.40

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -011**

**A RESOLUTION APPROVING AN AMENDMENT TO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE ELECTRICAL VAULT/EMERGENCY GENERATOR PROJECT AT THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY**

WHEREAS, the City of Modesto and the Federal Aviation Administration (FAA) entered into a Grant Agreement on September 25, 2001, which provides Federal funding for various projects at the Modesto City-County Airport, and

WHEREAS, said Grant Agreement contains a project description that includes a listing of projects which are eligible for Federal reimbursement, and

WHEREAS, the City of Modesto by letter dated August 19, 2003 requested that FAA amend the project description to include two additional projects, construction of an electrical vault and installation of airfield electrical regulators, and

WHEREAS, including said projects in the project description makes those projects eligible for Federal reimbursement under the terms of the Grant, and

WHEREAS, FAA has agreed to modify the project description to include the two additional projects as requested by the City of Modesto, and

WHEREAS, FAA has prepared Amendment No. 1 to Grant Agreement for Project No. 3-06-0153-25 which provides for the requested change in project description.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to Grant Agreement for Project No. 3-06-0153-26.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute Amendment No. 1 on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-012**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO ESTIMATE REALLOCATION OF \$644,498 FOR FISCAL YEAR 2003/04 CIP, MAKING ADJUSTMENTS TO ONE PROJECT AND CREATING 2 NEW PROJECTS**

WHEREAS, in May 2003, staff requested reallocation of existing Congestion Mitigation and Air Quality (CMAQ) activities for the 2002 Federal Transportation Improvement Program (FTIP), and

WHEREAS, the Stanislaus Council of Governments (StanCOG) approved the FTIP amendment for reallocating funds via Amendment #13 at its July 9, 2003, Policy Board meeting, and

WHEREAS, the Council of the City of Modesto has amended the fiscal year 2003-2004 Capital Improvement Program (CIP) budget in previous resolution action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the FY 2003-2004 Capital Improvement Budget is hereby amended as shown in **Attachment A.**

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution, including making adjustments for CIP appropriations and revenues.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**ATTACHMENT A: AMENDMENTS TO THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET**

Typ	AGY	ORGN	ORGN-DESCRIPTION	APPR UNIT	DBJT/ RSRC	LINE-DESCRIPTION-00	APPROVED BUDGET	CURRENT BUDGET	ENCUMBER	EXPENDED/RECOGNIZED	Change in Budget	Revised Budget	Name-Change	
Exp	0	700	A153	ENCINA IMPROVEMENTS	A153G	7230	365,000	365,000		0	(320,496)	44,504	Balance for Transfer In (not in yet)	
Exp	2300	160	A153	ENCINA IMPROVEMENTS	A153	6010	30,000	30,000	0	0		30,000		
Exp	2300	160	A153	ENCINA IMPROVEMENTS	A153	6040	290,000	290,000	0	0	23,000	313,000		
Exp	2300	160	A153	ENCINA IMPROVEMENTS	A153	6050	20,000	20,000	0	0		20,000		
Exp	2300	160	A153	ENCINA IMPROVEMENTS	A153	6060	25,000	25,000	0	0		25,000		
							365,000	365,000	0	0	23,000	388,000		
Rev	2300	160	A153	ENCINA IMPROVEMENTS	3531	FEDERAL TEA-21 CMAQ	0	0		0	343,496	343,496		
Rev	2300	700	A153	ENCINA IMPROVEMENTS	9070	TRANSFER IN FROM FUND 0700	365,000	365,000	0	0	(320,496)	44,504		
							365,000	365,000	0	0	23,000	388,000		
Exp	0700	700	N059	UPGRADE ATMS COMMUNICATIO	N059G	7230	31,192	31,192		3,085	(19,281)	11,911	Balance for Transfer In	
Exp	2300	160	N059	UPGRADE ATMS COMMUNICATIO	N059	6010	30,000	30,000	0	17,489	(12,511)	17,489		
Exp	2300	160	N059	UPGRADE ATMS COMMUNICATIO	N059	6040	344,000	344,000	33,238	17,698	(231,488)	112,511		
Exp	2300	160	N059	UPGRADE ATMS COMMUNICATIO	N059	6060	20,000	20,000	0	0	(20,000)	0		
							394,000	394,000	33,238	35,187	(264,000)	130,000		
Rev	2300	160	N059	UPGRADE ATMS COMMUNICATION	3135	STATE RSTP MATCH	0	0		777	3,000	3,000		
Rev	2300	160	N059	UPGRADE ATMS COMMUNICATION	3137	STATE PUC RR GRADE SEPARATION	14,000	14,000		0	(14,000)	0		
Rev	2300	160	N059	UPGRADE ATMS COMMUNICATION	3531	FEDERAL TEA-21 CMAQ	348,808	348,808		29,650	(233,719)	115,089		
Rev	2300	700	N059	UPGRADE ATMS COMMUNICATION	9070	TRANSFER IN FROM FUND 0700	31,192	31,192		3,085	(19,281)	11,911		
							394,000	394,000	0	33,512	(264,000)	130,000		
Exp	1410	700	N061	FOUR NEW SIGNALS - PRESCOT	N061	7230	67,408	67,408		4,827	(42,835)	24,573	Balance for Transfer In	
Exp	2300	160	N061	FOUR NEW SIGNALS - PRESCOT	N061	6010	60,000	60,000	0	19,987	(40,000)	20,000	T/S Prescott/Snyder	
Exp	2300	160	N061	FOUR NEW SIGNALS - PRESCOT	N061	6040	540,000	540,000	0	244	(387,998)	152,001	T/S Prescott/Snyder	
Exp	2300	160	N061	FOUR NEW SIGNALS - PRESCOT	N061	6060	40,000	40,000	0	1,791	(31,000)	9,000	T/S Prescott/Snyder	
							640,000	640,000	0	22,022	(458,998)	181,001		
Rev	2300	160	N061	FOUR NEW SIGNALS - PRESCOTT	3135	STATE RSTP MATCH	0	0		(390)	1,500	1,500	T/S Prescott/Snyder	
Rev	2300	160	N061	FOUR NEW SIGNALS - PRESCOTT	3137	STATE PUC RR GRADE SEPARATION	6,000	6,000		0	(6,000)	0	T/S Prescott/Snyder	
Rev	2300	160	N061	FOUR NEW SIGNALS - PRESCOTT	3531	FEDERAL TEA-21 CMAQ	566,592	566,592		27,179	(411,664)	154,928	T/S Prescott/Snyder	
Rev	2300	700	N061	FOUR NEW SIGNALS - PRESCOTT	9141	TRANSFER IN FROM FUND 1410	67,408	67,408		4,827	(42,835)	24,573	T/S Prescott/Snyder	
							640,000	640,000	0	31,617	(458,998)	181,001		
Exp	1410	700	N066	FOUR NEW SIGNALS - PELANDAL	N066G	7230	68,820	68,820		256	(6,000)	62,820	Balance for Transfer In	
Exp	2300	160	N066	FOUR NEW SIGNALS - PELANDAL	N066	6010	60,000	60,000	0	25,687		60,000		
Exp	2300	160	N066	FOUR NEW SIGNALS - PELANDAL	N066	6040	500,000	500,000	0	0		500,000		
Exp	2300	160	N066	FOUR NEW SIGNALS - PELANDAL	N066	6060	40,000	40,000	0	0		40,000		
							600,000	600,000	0	25,687	0	600,000		
Rev	160	N066	FOUR NEW SIGNALS - PELANDALE	3135	STATE RSTP MATCH	3135	0	0		4,918	6,000	6,000		
Rev	160	N066	FOUR NEW SIGNALS - PELANDALE	3137	STATE PUC RR GRADE SEPARATION	3137	0	0		0	0	0	T/S Prescott/Snyder	
Rev	160	N066	FOUR NEW SIGNALS - PELANDALE	3531	FEDERAL TEA-21 CMAQ	3531	531,180	531,180		45,482		531,180		
Rev	700	N066	FOUR NEW SIGNALS - PELANDALE	9141	TRANSFER IN FROM FUND 1410	9141	68,820	68,820		256	(6,000)	62,820		
							600,000	600,000	0	50,655	(6,000)	594,000		
							Changed from 4 signals to 3 signals				Original 133,880 of CMAQ is gone but repl with new CMAQ discretionary			
Exp	0700	700	7230	Scenic at Lakewood Lighted Crosswa	A010	7230	0	0		0	3,441	3,441	Balance for Transfer In	
Exp	2300	160	A010	Scenic at Lakewood Lighted Crosswa	A010	6010	0	0		0	2,400	2,400	Wycliffe Lighted Crosswalks	
Exp	2300	160	A010	Scenic at Lakewood Lighted Crosswa	A010	6040	0	0		0	25,600	25,600	Wycliffe Lighted Crosswalks	
Exp	2300	160	A010	Scenic at Lakewood Lighted Crosswa	A010	6050	0	0		0	2,000	2,000	Wycliffe Lighted Crosswalks	
Exp	2300	160	A010	Scenic at Lakewood Lighted Crosswa	A010	6060	0	0		0	0	0	Wycliffe Lighted Crosswalks	
							0	0	0	0	30,000	30,000		
Rev	2300	160	A010	Scenic at Lakewood Lighted Crosswa	A010	3135	0	0		0	0	0	Wycliffe Lighted Crosswalks	
Rev	2300	160	A010	Scenic at Lakewood Lighted Crosswa	A010	3531	0	0		0	26,559	26,559	Wycliffe Lighted Crosswalks	
Rev	2300	700	A010	Scenic at Lakewood Lighted Crosswa	A010	9070	0	0		0	3,441	3,441	Wycliffe Lighted Crosswalks	
							0	0	0	0	30,000	30,000		
Exp	1410	700	7230	Sharon Ave at Maid Marianne Ln Rte	A090	7230	0	0		0	18,352	18,352	Balance for Transfer In	
Exp	2300	160	A090	Sharon Ave at Maid Marianne Ln Rte	A090	6010	0	0		0	15,000	15,000		
Exp	2300	160	A090	Sharon Ave at Maid Marianne Ln Rte	A090	6040	0	0		0	119,000	119,000		
Exp	2300	160	A090	Sharon Ave at Maid Marianne Ln Rte	A090	6050	0	0		0	14,000	14,000		
Exp	2300	160	A090	Sharon Ave at Maid Marianne Ln Rte	A090	6060	0	0		0	12,000	12,000		
							0	0	0	0	160,000	160,000		
Rev	2300	160	A090	Sharon Ave at Maid Marianne Ln Rte	A090	3135	0	0		0	0	0		
Rev	2300	160	A090	Sharon Ave at Maid Marianne Ln Rte	A090	3531	0	0		0	141,648	141,648		
Rev	2300	700	A090	Sharon Ave at Maid Marianne Ln Rte	A090	9141	0	0		0	18,352	18,352		
							0	0	0	0	160,000	160,000		
<b>Total Changes:</b>											<b>Decreases</b>		<b>Increases</b>	
3135					STATE RSTP MATCH						10,500		10,500	
3137					STATE PUC RR GRADE SEPARATION						(20,000)	(20,000)	0	
3531					FEDERAL TEA-21 CMAQ						(133,680)	(645,383)	511,703	
9070					TRANSFER IN FROM FUND 0700						(336,336)	(339,777)	3,441	
9141					TRANSFER IN FROM FUND 1410						(30,483)	(48,835)	18,352	
											(509,998)	(1,053,985)	543,986	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-013**

**A RESOLUTION AWARDING THE BID AND CONTRACT FOR HOT PATCH WORK TO CORNISH PAVING, INC. OF RIVERBANK, CA. FOR AN INITIAL ONE-YEAR PERIOD, WITH TWO (2) ONE-YEAR CONTRACT EXTENSION OPTIONS, FOR AN ANTICIPATED ANNUAL AMOUNT OF \$80,000.00.**

WHEREAS, the Operations and Maintenance Department-Water Division has requested contractual assistance to perform hot patch work in Empire and Zone 3 of the City's water system, and

WHEREAS, Resolution 2003-129 authorized the solicitation of bids for hot patch work, and

WHEREAS, Zone 3 is comprised of Waterford, Hickman, Salida, Del Rio, Ceres, Turlock, Grayson, and other County areas just outside of the City limits that do not receive surface water from the Modesto Irrigation District (MID) water plant, and

WHEREAS, hot patch work consists of asphalt repairs to street cuts made in order to make repairs to the water system, and

WHEREAS, City crews perform some of this work, but often in-house resources are not available to perform the hot patch work as needed, and

WHEREAS, Cornish Paving, Inc. of Riverbank, CA. is the lowest responsive and responsible bidder for hot patch work with a total approximate per square foot cost of \$6.50,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for hot patch work to Cornish Paving of Riverbank, CA. for an initial one-year period with two (2) one-year contract extension options, for a total annual cost of approximately \$80,000.00.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is authorized to issue contract not to exceed \$80,000.00 to Cornish Paving of Riverbank, CA. for an initial one-year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-014**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT REQUEST FOR BIDS FOR THE FURNISHING OF  
HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SERVICE AND  
REPAIRS FOR THE MODESTO CENTRE PLAZA, FOR A THREE (3) YEAR  
AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS**

WHEREAS, the Parks, Recreation and Neighborhoods Department has requested heating, ventilation and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza, and

WHEREAS, the HVAC services consist of scheduled preventative maintenance and service repairs, on an "as needed basis", to ensure top performance, and

WHEREAS, by authorizing the Purchasing Supervisor to solicit bids, the City will achieve the best value possible for HVAC preventative maintenance and service repairs, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for the furnishing of heating, ventilation and air conditioning scheduled preventative maintenance and service repairs for the Modesto Centre Plaza HVAC system, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of heating, ventilation and air conditioning scheduled preventative maintenance and service repairs, for a three (3) year agreement with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-015**

**A RESOLUTION AWARDING A \$174,298 CONTRACT TO LARRY WALKER ASSOCIATES FOR CONSULTING SERVICES FOR THE PROJECT TITLED "NPDES POLLUTION PREVENTION PLANS" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.**

WHEREAS, on June 5, 2001 Council awarded Larry Walker Associates a contract to conduct special studies, as required by the City of Modesto's NPDES permit issued by the Regional Water Quality Control Board, and

WHEREAS, these studies have been completed and significant amounts of data have been gathered, and

WHEREAS, in order to comply with the requirements of the NPDES permit, specific pollution prevention plans must be developed and submitted to the regional board, and

WHEREAS, the Operations and Maintenance Director has recommended that Larry Walker Associates, be accepted as the most qualified consulting firm to provide the necessary pollution prevention plan services, and

WHEREAS, the Economic Development Committee considered this item at its December 6, 2003 meeting and recommended award of the contract for developing pollution prevention plans to Larry Walker Associates in an amount not to exceed \$174,298.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract for consulting services for the project titled "NPDES Pollution Prevention Plans" to Larry Walker Associates, in an amount not to exceed \$174,298.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-016**

**A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) TO ALLOCATE \$69,079 IN HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) OPERATING FUNDS TO HABITAT FOR HUMANITY, STANISLAUS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND EXECUTE THE AGREEMENT.**

WHEREAS, by Resolution No. 2003-338, on July 1, 2003, the City Council authorized staff to solicit Request for Proposals (RFP) for the development and construction of multi-family housing, rehabilitation and conversion of Market Rate units to affordable units or the development of new entry-level single-family units, which will increase the affordable housing stock within the City of Modesto, and

WHEREAS, a total of \$1,536,624 of assistance is available in FY 03-04, consisting of \$1,154,720 in HOME entitlement funds, \$312,825 in Community Housing Development Organization (CHDO) set-aside funds, and \$69,079 in CHDO operating expense funding, and

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

WHEREAS, a RFP was released on July 8, 2003, and due on September 5, 2003, and

WHEREAS, four proposals were received; one proposal was late and incomplete, this proposal has been rejected, and

WHEREAS, the review committee recommended the approval of Habitat for Humanity's proposal for CHDO operating expenses in the amount of \$69,079, and

WHEREAS, the review committee further requested additional information from other proposals to clarify the increase of construction costs before making a final recommendation, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on November 21, 2003, and recommended these actions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate \$69,079 in Community Housing Development Organization (CHDO) Operating Funds to Habitat for Humanity, Stanislaus.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-017**

**A RESOLUTION APPROVING A GRANT APPLICATION FOR \$2,867,000 IN URBAN PARK ACT OF 2001 PROGRAM FUNDING UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, FOR DEVELOPMENT OF PORTIONS OF PHASE 2 AND 3 OF THE VIRGINIA AVENUE CORRIDOR TRAILS PROJECT (THE "PROJECT"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND CONTRACT DOCUMENTS.**

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Urban Park Act of 2001 Program and the grant Project shown above within the State, setting up necessary procedures, and grant funding in the amount of \$2,867,000 is available for parks and park facilities, and

WHEREAS, development of the Virginia Avenue Corridor Trail Project (the "Project") is consistent with the Urban Park Act of 2001 Program grant project criteria, and

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

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

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

1. Approves the filing of an application for \$2,867,000 in local assistance funds from the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and
2. Certifies that the application has or will have sufficient funds to operate and maintain the Project; and
3. Certifies that the application has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
4. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and
5. Authorizes the City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-018**

**A RESOLUTION PLEDGING LAND AND BUILDINGS, SPECIFICALLY MARSHALL PARK, CÉSAR CHÁVEZ PARK AND THE BUILDINGS AND IMPROVEMENTS AT SAID PARKS AS COLLATERAL AS A PART OF THE APPLICATION SUBMITTED TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR A \$4.5 MILLION SECTION 108 LOAN GUARANTEE TO FINANCE THE CONSTRUCTION OF THE NEIGHBORHOOD CENTER AT MARSHALL PARK AND THE RENOVATION AND EXPANSION OF MADDUX YOUTH CENTER.**

WHEREAS, on June 24, 2003, by Resolution No. 2003-325 the Modesto City Council authorized the City Manager, or his designee, to execute the final application for the Section 108 Loan Guarantee from HUD, and

WHEREAS, the City will borrow against a \$4.5 million Section 108 Loan Guarantee, and

WHEREAS, \$3.1 million is for the construction of a joint service facility, the Neighborhood Center at Marshall Park, which would house a fire station, a police sub-station and a recreation office/ facility, and

WHEREAS, \$1.4 million is for the renovation and expansion of the Maddux Youth Center, and

WHEREAS, HUD requires that the City use its future CDBG entitlement as collateral, as well as other collateral which in the City's situation would be Marshall Park, César Chávez Park (the location of the Maddux Youth Center), the buildings and all improvements, and

WHEREAS, at its meetings of January 24, 2003, and June 3, 2003, the Citizens Housing and Community Development Committee supported submission of an

application for a Section 108 loan for construction of the Neighborhood Center at Marshall Park and for the renovation and expansion of Maddux Youth Center,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby pledges the land, buildings and all improvements at Marshall Park and at César Chávez Park (the location of the Maddux Youth Center), as collateral as part of the application submitted to the Department of Housing and Urban Development (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

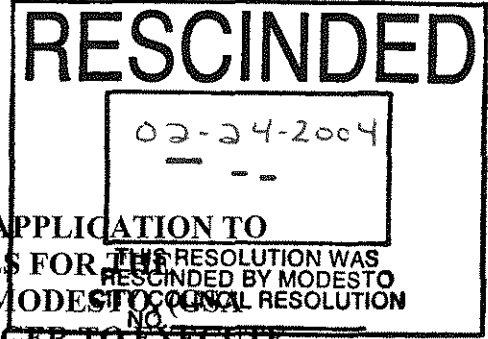
ABSENT: Councilmembers: Hawn

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-019



A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE SURPLUS PROPERTY LOCATED ON 1230 12<sup>TH</sup> STREET, MODESTO, CALIFORNIA (GSA NO. 9-G-CA-1610), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND SUBSEQUENT DOCUMENTS.

WHEREAS, certain real property owned by the United States, located in the County of Stanislaus, State of California, has been declared surplus and is subject to assignment for disposal for homeless or public health purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

1230 12<sup>th</sup> Street, Modesto, California (GSA No. 9-G-CA-1610),

and

WHEREAS, on October 14, 2003, by Resolution No. 2003-548, the City Council authorized the City Manager, or his designee, to submit a "Letter of Interest" to obtain necessary application instructions from the Department of Health and Human Services (HHS) for the surplus property located on 1230 12<sup>th</sup> Street, Modesto, (GSA No. 9-G-CA-1610), previously used by the Social Security Administration (SSA), and

WHEREAS, the City of Modesto needs and can utilize said property for public health purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Council is informed, including commitments regarding use and time such use shall commence, and

WHEREAS, the property consists of a .62-acre corner lot improved with an 11,957-square-foot office building and 24 paved outdoor parking spaces, with the zoning designation as C-2 (general commercial), and the building is handicapped accessible, and

WHEREAS, the building contains lead-based paint and does not meet current seismic standards, and the cost estimate for both structural and nonstructural seismic retrofit is \$58,860, and

WHEREAS, asbestos-containing material (ACM) in the form of wallboard joint compound is located throughout the building in the walls and ceilings, and the ACM is in good condition and is non-friable, and

WHEREAS, although the building is in good condition, the mechanical and electrical system and the roof are the major items requiring repair and/or replacement, with the total preliminary estimate to rehabilitate this building approximately \$400,000, and

WHEREAS, it is estimated that the total costs to complete the rehabilitation and furnishing of the facility will be approximately \$600,000, and

WHEREAS, of the \$600,000 figure, the City of Modesto has budgeted \$305,752 through the 2003-2004 Annual Action Plan, and the County of Stanislaus has tentatively set aside \$100,000 from their CDBG funds for the project; at this time, and staff proposes that the remaining \$194,248 come from the City's CDBG Revolving Loan Fund, and

WHEREAS, staff proposes that the building could be utilized for several necessary purposes, including:

- Offices, meeting spaces and storage for the many governmental, non-profit and faith-based agencies involved in the Stanislaus Housing and Support Services Collaborative that provides services to the homeless,
- Offices for the Restorative Police Function and Bicycle Officers. The Restorative Policing Program, in collaboration with the Behavior Health

and Recovery Services, is designed to address adults with mental illness or other disabilities that are at high risk of being repeatedly victimized or arrested for activities related to their disability,

and

WHEREAS, if the City's application request is approved, the City of Modesto and the Collaborative's agencies could work in coordination to rehabilitate this facility for the outlined uses, and

WHEREAS, it is expected that eventually the Collaborative will be the agency to oversee this facility, and

WHEREAS, at its meetings of October 7, 2003, the Safety and Communities Committee supported submission of an application for the use of 1230 12<sup>th</sup> Street, Modesto, (GSA No. 9-G-CA-1610), previously used by the Social Security Administration (SSA), and

WHEREAS, at its meetings of October 10, 2003, the Citizens Housing and Community Development Committee also supported submission of this application, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has legal authority, is willing, and is in a position financially to care and maintain the property, and

BE IT FURTHER RESOLVED that Jack R. Crist, the City Manager, is hereby authorized, for and on behalf of the City of Modesto, to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-020**

**RESOLUTION ADOPTING A FINDING OF A SHELTER CRISIS WITHIN THE CITY OF MODESTO, DECLARING A SHELTER EMERGENCY AS AUTHORIZED BY THE CALIFORNIA GOVERNMENT CODE, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ACTIONS NECESSARY TO MITIGATE THE EFFECTS OF THE SHELTER CRISIS.**

WHEREAS, there are estimated to be between 7,200 and as many as 11,000 homeless citizens in Stanislaus County, and

WHEREAS, more than an estimated 3,450 citizens are homeless in and about the City of Modesto, and

WHEREAS, all emergency shelters serving Modesto are full and unable to provide overnight shelter, and

WHEREAS, the California Legislature has determined that “A fundamental purpose of government is to protect the health and safety of persons within its jurisdiction,” and

WHEREAS, the California Legislature has determined that “Homelessness is a state which results in a direct threat to the health and safety of its victims, many of who have died, particularly during severe weather conditions, as a result of this state of homelessness,” and

WHEREAS, the months of January, February and March are historically among the coldest and most inclement months of the year in the San Joaquin Valley, and

WHEREAS, the Council of the City of Modesto finds that there is a significant number of persons who are without the ability to obtain shelter in Modesto, resulting in a threat to their health and safety,

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

1. That a Shelter Crisis, as that term is defined in Section 8698 of the California Government Code (“Code”), is hereby proclaimed to exist in the City of Modesto.
2. That during the term of the Shelter Crisis proclaimed by this resolution, the provisions of any state or local regulatory statute, regulation , or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the Shelter Crisis.
3. That during the term of the Shelter Crisis, the City Manager, or his designee, is hereby authorized to take any action that he or she deems necessary in his or her sole discretion to assist in the mitigation of the Shelter Crisis proclaimed by this resolution for the purpose of providing emergency housing in any Public Facility, as that term is defined in Code Section 8698, provided the Public Facility is located in a C-M, M-1, or M-2 zone and further provided that the Public Facility is greater than 500 feet from any single-family residence.
4. That during the term of the Shelter Crisis proclaimed by this resolution, the City Manager, or his designee, shall, despite the suspension of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety as set forth in paragraph 2, require such conditions as he or she deems necessary to ensure minimal public health and safety with respect to any Public Facilities open to the homeless during the term of the Shelter Crisis.
5. That the City Manager, or his designee, is authorized to execute one or more agreements with any not-for-profit entity which is now, or proposes in the future, to operate a Public Facility open to the homeless during the term of the Shelter Crisis proclaimed by this resolution.

6. That on or before April 6, 2004, the City Manager, or his designee, shall provide a report to the Council describing any and all actions taken by him or her pursuant to the authority conferred by this resolution.
7. That the Shelter Crisis proclaimed by this resolution shall terminate on April 30, 2004, unless earlier terminated or extended by a subsequent resolution of the Modesto City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-021**

**A RESOLUTION APPROVING ALLOCATION OF \$39,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO THE SALVATION ARMY AND \$30,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO COMMUNITY HOUSING AND SHELTER SERVICES FOR FISCAL YEAR 2003-2004 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND EXECUTE THE AGREEMENTS**

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

WHEREAS, the City receives a Community Development Block Grant (CDBG), and

WHEREAS, the City receives this grant annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, a maximum of fifteen percent of the City's available CDBG entitlement grant may be allocated to nonprofit organizations for the purposes of providing assistance that is consistent with the functions of CDBG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2003-2004, fifteen percent of the City's available CDBG entitlement is \$433,500, and,

WHEREAS, by Resolution No. 2003-68, on February 4, 2003, the Modesto City Council approved an allocation of \$150,000 in CDBG public service funds to the Modesto Police Department for the operation of the Crime Free Multi-Housing Program, and

WHEREAS, by Resolution No. 2003-184, on April 8, 2003, the Modesto City Council approved an allocation of \$190,745 in CDBG public service funding requests for FY 2003-2004, and

WHEREAS, by Resolution No. 2003-238, on May 13, 2003, the Modesto City Council approved the allocation of \$69,888 in CDBG public service funding, and

WHEREAS, by Resolution No. 2003-283, on June 10, 2003, the Modesto City Council approved the balance of \$22,867 in CDBG public service funding, and

WHEREAS, at a public meeting on December 11, 2003, by Resolution No. 2003-654, the City Council approved allocating \$69,000 in CDBG public service funding for a winter shelter for homeless individuals and families,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of \$39,000 in Fiscal Year 2003-2004 CDBG funding to The Salvation Army, for the operation of a winter shelter for the homeless and \$30,000 in Fiscal Year 2003-2004 CDBG funding to Community Housing and Shelter Services for the provision of winter shelter for the homeless,

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute the necessary documents with respect to implementation of the allocation of Fiscal Year 2003-2004 CDBG Public Service Grant funding to The Salvation Army and Community Housing and Shelter Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-022**

**A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH NO. 2003102131) AND FINDING OF NO SIGNIFICANT IMPACT FOR THE FOLLOWING PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): VIRGINIA AVENUE CORRIDOR SPECIFIC PLAN.**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, the Parks, Recreation and Neighborhoods Department proposes the adoption of a Specific Plan for the development and construction of the Virginia Avenue Corridor Trail Project (“Project”) which consists of conversion of the abandoned, 4.2-mile Union Pacific Railroad corridor – from the City’s central business district at Needham Avenue to the northern City boundary at Bangs Avenue – to a premier linear park with Class I bikeway and pedestrian trail, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, by Initial Study / Environmental Assessment EA/PR&N No. 2003-07, dated October 9, 2003, reviewed the proposed Project pursuant to Section 21157.1 of the Public Resources Code to analyze whether the proposed project is within the scope of the Master Environmental Impact Report, and

WHEREAS, Section 21080(c)(2) allows the adoption of a Mitigated Negative Declaration (MND) if the lead agency, after reviewing and considering the entire record before the agency, identifies potentially significant effects on the environment, but (a) revisions in the Project plans or proposals made by, or agreed to by, the applicant before the Initial Study (IS) is released for public review would avoid the effects or mitigate the

effects to a point where clearly no significant effect on the environment would occur; and  
(b) there is no substantial evidence in light of the whole record before the public agency  
that the Project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto, the lead agency, after reviewing and  
considering the Master EIR, the Initial Study and the entire record before it identified  
potentially significant effects on the environment, but (a) revisions in the Project plans  
agreed to by the City before the Initial Study was released for public review would avoid  
or mitigate the effects to a point where clearly no significant effect on the environment  
would occur; and (b) there was no substantial evidence in light of the whole record before  
the public agency that the Project, as revised, may have a significant effect on the  
environment and determined that it would be appropriate to prepare a Mitigated Negative  
Declaration for the Project, and

WHEREAS, the City of Modesto prepared, circulated and posted, pursuant to  
Sections 15070 and 15105 of the CEQA Guidelines, an Initial Study / Environmental  
Assessment EA/PR&N 2003-07 and a Mitigated Negative Declaration / Finding of No  
Significant Impact (SCH No. 2003102131), dated October 9, 2003, ("IS/MND") and

WHEREAS, the IS/MND was released for public review and comment for the  
required 30-day period beginning on October 27, 2003, and ending on November 25,  
2003, and

WHEREAS, no comments were submitted in response which would require a  
revision of the proposed IS/MND, and

WHEREAS, in a public hearing on January 6, 2004, the City Council considered  
the IS/MND for the proposed adoption of a Specific Plan for the development and

construction of the Virginia Avenue Corridor Trail Project, together with all comments received during the public review and circulation period and responses thereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study / Environmental Assessment EA/PR&N 2003-07 and the Mitigated Negative Declaration / Finding of No Significant Impact (“IS/MND”) (SCH No. 2003102131) for the proposed Project, a copy of which is on file in the Parks, Recreation and Neighborhoods Department, together with all comments received during the public review and circulation period, and based on the substantial evidence included in said IS/MND makes the following findings:

1. An IS/MND has identified potentially significant effects on the environment that were not analyzed in the Master EIR. These additional significant environmental effects are potential impacts to Traffic, Noise, Agricultural Resources, Drainage, Flooding and Water Quality, and Storm Drainage.
2. Revisions in the Project agreed to by the City and feasible mitigation measures which were incorporated into the Project before the IS/MND was released for public review will avoid or mitigate the effects of the proposed Project to a point where clearly no significant effect on the environment would occur.
3. There is no substantial evidence in light of the whole record before the public agency that the Project, as revised and mitigated, may have a significant effect on the environment.

4. As part of the adoption of the IS/MND, the City Council finds that the report or declaration reflects its independent judgment as the lead agency for the Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts the Initial Study / Environmental Assessment EA/PR&N 2003-07 and Mitigated Negative Declaration / Finding of No Significant Impact (SCH No. 2003102131) for the proposed adoption of a Specific Plan for the development and construction of the Virginia Avenue Corridor Trail Project by the City of Modesto and hereby designates the Parks Planning and Development Services Division of the Parks, Recreation and Neighborhoods Department as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Department of Parks, Recreation and Neighborhoods, 1010 Tenth Street, Suite 4400, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Section 21081.6 of the Public Resources Code, a Mitigation Monitoring Program is hereby adopted by incorporating the mitigation measures into the Project plan as set forth in Appendix "H" of the Initial Study.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Clerk is hereby authorized and directed to file a Notice of Determination with the County Clerk's Office within five (5) working days of the date of this determination, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-023**

**A RESOLUTION ADOPTING THE SPECIFIC PLAN FOR THE VIRGINIA AVENUE CORRIDOR.**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on March 11, 2003, the City Council by Resolution No. 2003-134 adopted amendments to the City of Modesto Urban Area General Plan which contain Community Development policies including the Virginia Avenue Corridor Trail Project area, and

WHEREAS, a Specific Plan has been prepared for the proposed Virginia Avenue Corridor Trail Project, which is a proposed bicycle and pedestrian trail to be located within 4.2 miles of the abandoned Union Pacific Railroad corridor, from Needham Street near downtown Modesto to Bangs Avenue in north Modesto, and

WHEREAS, the City referred the proposed Virginia Avenue Corridor Specific Plan to all affected state, regional and local agencies for review, beginning on October 27, 2003 and ending on November 25, 2003, in conformance with Government Code Section 65352, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 15, 2003, to receive evidence both oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, in accordance with Section 15205 (c) of the CEQA Guidelines, the Planning Commission reviewed and considered the proposed Initial Study / Environmental Assessment EA/PR&N 2003-07 and the proposed Mitigated Negative Declaration / Finding of No Significant Impact (SCH No. 2003102131) in conjunction with the proposed Virginia Avenue Corridor Specific Plan, and

WHEREAS, on November 3, 2003, the Safety and Communities Committee recommended approval of the Virginia Avenue Corridor Specific Plan, and

WHEREAS, by Resolution No. 2003-66, adopted on December 15, 2003, the Planning Commission recommended to the City Council the adoption of the Virginia Avenue Corridor Specific Plan dated October 2003, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on January 6, 2004, in the City Council Chambers, 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. That the Initial Study / Environmental Assessment EA/PR&N 2003-07 and the Mitigated Negative Declaration / Finding of No Significant Impact (SCH#2003102131) are complete and adequate, and that they have been prepared, completed and adopted in accordance with the provisions of CEQA.
2. That the proposed Virginia Avenue Corridor Specific Plan is consistent with the City of Modesto Urban Area General Plan for the following reasons:

- a. The Project is compatible with the surrounding existing and planned land uses.
- b. The goals, policies and strategies set forth in this plan are consistent with and supporting of the General Plan's goals and policies regarding the encouragement of walking and bicycle use, alternatives to auto travel, parks and open space, and air quality.
- c. Modesto Engineering and Transportation Department staff has indicated that the Project can be served by existing treatment facilities, and will not require the construction of any new facilities to meet the needs of the Project.
- d. Modesto Engineering and Transportation Department staff has indicated that there are sufficient water supplies available to serve the Project from existing supplies. No additional or expanded entitlements are needed as a result of the Project.
- e. Flood control measures that will be implemented with this project will ensure that there will be no significant impact to planned storm water drainage systems.

BE IT FURTHER RESOLVED that the Council hereby adopts the Virginia Avenue Corridor Specific Plan dated October 2003 (Exhibit "A"), a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days from and after the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-024**

**A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. TO PROVIDE ADDITIONAL SERVICES RELATED TO THE PREPARATION OF THE CONSTRUCTION DOCUMENTS FOR THE VIRGINIA AVENUE CORRIDOR SPECIFIC PLAN, INCREASING THE CONTRACTUAL FEE BY \$103,695 FROM \$376,640 TO \$480,335, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT.**

WHEREAS, the Virginia Avenue Corridor Trail Project (“Project”) consists of conversion of the abandoned 4.2-mile Union Pacific Railroad corridor to a linear park with Class I bikeway and pedestrian trail, and

WHEREAS, on October 8, 2001, the City Council approved an agreement with Callander Associates Landscape Architecture, Inc. to prepare a Specific Plan for the Project with a professional service fee of \$304,000, and

WHEREAS, on April 22, 2003, the City Council approved an Amendment to Agreement with Callander Associates to increase the contract by \$72,640 to \$376,640 to prepare environmental documents for the Project, and

WHEREAS, since that time, staff has determined that the preparation of the construction documents for Phase I of the Project could best be undertaken by Callander Associates Landscape Architecture, Inc., and therefore proposes a Second Amendment to the Agreement with Callander Associates Landscape Architecture, Inc., and

WHEREAS, by including this work within a revised scope of the Agreement with Callander Associates, this firm will have direct oversight to provide coordination between the Project, the environmental documents and the construction documents, and

WHEREAS, on January 6, 2004, the City Council adopted a Mitigated Negative Declaration / Finding of No Significant Impact for the Virginia Avenue Corridor Specific Plan (SCH 2003102131) in compliance with the National Environmental Protection Act (NEPA) and State of California Environmental Quality Act (CEQA) so as to qualify the Project for federal and state funding sources, and

WHEREAS, on January 6, 2004, the City Council reviewed the Mitigated Negative Declaration / Finding of No Significant Impact for the Virginia Avenue Corridor Specific Plan (SCH 2003102131) and determined that the proposed Second Amendment to Agreement is within the scope of the Project previously studied, and

WHEREAS, staff is recommending a Second Amendment to Agreement with Callander Associates Landscape Architecture, Inc. to provide the additional work as described in **Exhibit "A-2"**, attached hereto and incorporated by reference, increasing the contractual fee by \$103,695, from \$376,640 to \$480,335, and

WHEREAS, the Safety and Communities Committee met on November 3, 2003, and supported staff's recommendation to approve a Second Amendment to Agreement with Callander Associates Landscape Architecture, Inc. to provide the additional work as described in Exhibit "A-2" and to increase the contractual fee by \$103,695 from \$376,640 to \$480,335,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Second Amendment to Agreement with Callander Associates Landscape Architecture, Inc. to provide additional services related to the preparation of the environmental documents for the Virginia Avenue Corridor Specific Plan for a total contract cost not to exceed \$480,335.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## *Exhibit A-2*

# *Rotary Centennial Junction - Scope of Work*

In an effort to guide and control the schedule, scope and improvement costs of the Rotary Centennial Junction, Callander Associates has developed the following scope. Modifications and refinements can be accommodated at the project start and adjusted periodically throughout the process as may be beneficial to the project. Items shown in *boldface italics* represent the deliverables or work documents to be provided at that task.

The following scope and corresponding fees are based on a construction budget of \$700,000 as the anticipated lowest responsible bid. This budget is established as a condition of this Agreement. It shall be reviewed by the parties and shall include a bidding contingency of ten percent unless another amount is indicated. Callander Associates shall be permitted to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents, and to make reasonable adjustments in the scope of the project to bring it within the fixed limit. Callander Associates may also include in the Contract Documents alternate bids to adjust the construction cost to the fixed limit.

If this fixed limit of construction cost, including the bidding contingency, is exceeded by the lowest bona fide bid or negotiated proposal, or the statement of probable construction cost, the City shall (1) give written approval of an increase in such fixed limit, (2) authorize rebidding the project within a reasonable time, or (3) cooperate in revising the project scope and quality as required to reduce the probable construction cost. In the case of (3), Callander Associates, without additional charge, shall modify the drawings and specifications as necessary to bring the construction cost within the fixed limit. The providing of such service shall be the limit of Callander Associates' responsibility in this regard and having done so, Callander Associates shall be entitled to compensation in accordance with this Agreement.

The elements to be included in the project are as follows and within the project limits as indicated in Project Limits Diagram attached.

- Class One bike path from Orangeburg to Roseburg
- Entry nodes at Orangeburg, Roseburg, and at Roseburg Square Shopping Center
- Parking stalls along Virginia Lane
- Pedestrian lighting along path alignment
- Trail amenities including thematic fencing, split rail fencing, benches, trash receptacles, informational kiosk, and trail signage
- Landscape and irrigation improvements

## 1.0 CONCEPTUAL DESIGN (completed)

## 2.0 DESIGN DEVELOPMENT

- 2.01 **Initial Meeting:** Review scope, schedule and cost for both construction and design services with City staff. Review City process. Identify available and required City documents, define project goals, update design program, and submit *written summary* of same.
- 2.02 **Document Review:** Obtain and review other information that may be pertinent from Parks, Recreation, and Neighborhoods and Planning Departments. Review existing design guidelines, documents, or other existing base information provided by City. Evaluate adequacy and/or need for additional information. Prepare *summary memo*.
- 2.03 **Schedule:** Prepare a detailed time *schedule* in bar chart format for the entire project through construction.
- 2.04 **Topographic Survey:** Review existing topographic survey provided during the conceptual design phase and prepared by Hawkins & Associates Engineering. Evaluate the need for additional supplemental survey information and provide *summary memo*. If existing survey is inadequate, additional topographic information will be provided within project limits, up to the amount indicated for survey in the compensation summary. Information to include contours at one foot intervals, existing tree locations and sizes, surface and subsurface utility information based upon available record information, property lines, and other existing features (excludes potholing). Submit electronic *topographic survey* in Autocad 2002 for City records.
- 2.05 **Utility Evaluation:** Verify existing water, electrical, and storm drain service connections for domestic and irrigation water service, storm drainage, and pedestrian and sports field lighting. Indicate same on overlay of topographic survey and designate as *utility connections diagram*.
- 2.06 **Site Reconnaissance:** Conduct site reconnaissance with topographic survey in hand. Evaluate access, grades, utilities, trees, fences, buffers, etc. Photograph site for in-house study and reference, as well as for future presentations. Prepare photo *log* for studio use.
- 2.07 **Base Maps:** Using prepared topographic survey, prepare *twenty scale base maps*, in Autocad 2002 format, within project limits.

- 2.08 **Horticultural Soils Analysis:** Obtain up to four horticultural soils samples to verify agricultural suitability of existing; submit *letter report*.
- 2.09 **Geotechnical Report:** Take up to three borings of existing corridor to determine suitability of subgrade for drainage, and structural suitability for foundations and pavements Provide *summary report* detailing above including pavement section recommendations for parking lots, trails, and pedestrian walkways.
- 2.10 **Design Development Submittal - 35% Submittal:** Based on the comments received from the above meetings and the analysis of other items, revise plan as required. Proceed to develop *construction documents* to a 35% level of completion. All drawings shall prepared on AutoCAD Version 2002. Package to include:
- Title Sheet
  - Preliminary Grading Plan (including storm drain points of connection) (1:20)
  - Preliminary Site Construction Plan (1:20)
  - Preliminary Irrigation Plan (including water point of connection) (1:20)
  - Preliminary Planting Plan (1:20)
  - Preliminary Lighting Plan (including electrical point of connection) (1:20)
  - Design development level construction details
- 2.11 **Cost Estimate:** Prepare a preliminary list of quantities and provide a preliminary *construction cost estimate*.
- 2.12 **Draft Specifications:** Prepare draft contract specifications book and bid form, using City of Modesto standard boilerplate and Standard Specifications, as appropriate.
- 2.13 **Design Development Book:** Confirm final selections of pre-manufactured items and design details for major features with City staff. Prepare packet of information to contain catalog cuts and information on site amenities, site furniture, irrigation equipment, electrical equipment, plant materials, and related items. Submit five copies of the *Design Development Book* to City for review and approval.
- 2.14 **Staff Meeting:** Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare *written summary* of meeting.

### 3.0 CONSTRUCTION DOCUMENTS

- 3.01 **Construction Documents – 95% Submittal:** Based on direction from City staff, comments received from the above meetings and the analysis of other items, proceed to develop *construction documents* to a draft 95% level of completion. Plans shall adhere to City of Modesto Standards and Specifications. Package to include;
- Title Sheet
  - Key Map/General Notes
  - Demolition Plan
  - Grading and Drainage Plan
  - Signing and Pavement Marking Plan
  - Site Construction Plan
  - Irrigation Plans
  - Planting Plans
  - Construction Details
  - Irrigation/Planting Details
  - Electrical Plans
  - Preliminary Interpretive Panel Graphics (2 total)
  - Technical Specifications
- 3.02 **Update Cost Estimate:** Prepare an updated list of quantities and provide an updated *construction cost estimate*.
- 3.03 **Staff Meeting:** Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare *written summary* of meeting.
- 3.04 **Permit or other Agency Reviews:** No services have been provided.
- 3.05 **Bid Documents:** After review of the 95% submittal by the City, proceed to modify the documents for submission as a *final bidding package*. Provide five (5) sets of full size plans, plus camera-ready originals of plans and specifications for bidding.
- 3.06 **Storm Water Plan:** Prepare required storm water pollution prevention plan (SWPPP) in order to obtain the necessary General Permit, for the project, from the California State Water Resources Control Board (SWRCB). The plan shall include required information such as existing conditions description and plan, scope of construction, grading plan, inventory of contractor's activities, special site conditions, best management practices (BMPs) for contractor activities, BMPs for erosion and sediment control, post construction BMPs, and

monitoring/maintenance plan. Submit 5 copies of SWPPP to City for application and submission to SWRCB.

- 3.07 **Final Landscape Architect's Estimate:** Prepare an updated *list of quantities* and provide an updated *landscape architect's construction cost estimate*.
- 3.08 **Project Archive:** Submit one *archive CD-ROM* of all electronic data including construction documents, specifications, cost estimate, survey, and other base information provided by the City to be scanned and included in electronic format.

#### AND CONSTRUCTION ADMINISTRATION

##### 4.01 Pre-Construction Phase

- a. Attend pre-bid meeting and assist City staff as directed.
- b. Review Engineer's takeoffs of quantities.
- c. Prepare project documentation system.
- d. Attend bid opening.
- e. Prepare agency for pre-construction conference.
- f. Conduct pre-construction conference and prepare meeting minutes.
- g. Review coordination and communication procedures.
- h. Review procedures for receiving, logging, and transmitting submittals, RFI's and RFC's.
- i. Document pre-construction conditions using video and digital photographs, as directed by City staff.

##### 4.02 Construction Phase

- a. Verify Contractor has obtained all necessary approvals/permits prior to commencing work.
- b. Conduct weekly progress meetings with all pertinent parties in attendance.
- c. Prepare agendas and minutes to meetings.
- d. Process clarifications of the contract documents in response to requests by the Contractor.
- e. Review those submittals that are appropriate. Submittals requiring review by the Engineer of Record shall be logged and transmitted for formal review. Monitor Contractor's work for adherence to contract plans and specifications.
- f. Provide inspection and documentation of project related activities.
- g. Prepare inspection reports.
- h. Provide digital pictorial logbook of construction activities, if required.
- i. Review Contractor's construction schedule, request updates as appropriate, and track delays or accelerations based on actual Contractor operations.
- j. Develop "punch list" items and follow-up with corrective measures.

- k. Document information related to manpower, equipment and time for extra or force account work.
- l. Assist in preparing Change Orders for City execution.
- m. Receive Contractor certified payroll and monitor compliance, if required.
- n. Review progress payments.
- o. Receive and evaluate all notices of potential claims and make recommendations to Department of Parks, Recreation, and Neighborhoods.

#### 4.03 Post-Construction

- a. Coordinate and schedule final inspection with City staff.
- b. Verify completion of punch-list items.
- c. Process and recommend final payment request.
- d. Review as-builts with Contractor and submit to City.
- e. Process notice of substantial/final completion.
- f. Process warranty/guarantee letter and/or bond if required.
- g. Transmit set of project files to the Department of Parks, Recreation, and Neighborhoods.

Promptly after the construction work associated with a work order is completed, Consultant shall notify Department of Parks, Recreation, and Neighborhoods in writing whether such work should be accepted by City as complete and final in accordance with the terms and conditions of City's contract for that construction work. Consultant's determination shall be given Department of Parks, Recreation, and Neighborhoods after diligent investigation including satisfaction of its other obligations under this contract. If Consultant recommends that the work should not be accepted by the City, Consultant shall document the facts and analysis supporting its determination in its written notification to the Department of Parks, Recreation, and Neighborhoods.

-END-

## Rotary Centennial Junction - Fee Estimate

### Professional Services

The following lump sum fees for tasks 2 and 3, and hourly fees for task 4, are proposed and will remain valid for a period of sixty days from the date of this proposal. We have estimated our time and expenses based on the overall project budget, with drawings and services being prepared in a single package at one time.

### Subconsultants

- Civil Engineering and Survey – Hawkins and Associates Engineering
- Electrical Engineering – Zeiger Engineers, Inc.
- Geotechnical – Wallace Kuhl and Associates
- Graphic Designer – To Be Determined

	<i>land arch</i>	<i>civil/ survey</i>	<i>elec eng</i>	<i>geo</i>	<i>graphic design</i>
2.0 Design Development.....	\$27,672	\$5,500			
3.0 Construction documents .....	\$22,971	\$3,000	\$8,500	\$4,200	\$6,000
4.0 Bidding and construction administration (hourly, (with an allowance of) .....	\$19,452		\$500		
<hr/>					
<b>Total Fees .....</b>	<b>\$70,095</b>	<b>\$8,500</b>	<b>\$9,000</b>	<b>\$4,200</b>	<b>\$6,000</b>
					<b>\$97,795</b>

### Reimbursable Expenses

Per attached Standard Schedule of Compensation dated 2003 (S), reimbursable expenses includes five sets of prints at each phase of service. The actual reimbursable expenses incurred shall be invoiced at Callander Associates' expense, plus a fifteen-percent administration charge. The above total shall be established as an interim allowance with monthly invoicing showing the amounts incurred and balance remaining

**Total Allowance .....** \$5,900

**Total Estimated Compensation for Fees and Reimbursable Expenses .....** \$103,695

**Compensation and Payment Matrix**  
**Rotary Centennial Junction**  
 December 5, 2003

		<b>Callander Associates' Personnel and Rates</b>													
Phase	Description	Sr Prin @ \$170		Associate @ \$128		Land Arch (3) @ \$79		Asst (1) @ \$59		Word Proc @ \$75		Construction Manager @ \$92		CA Fees	
		hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s
<b>2.0</b>	<b>Design Development</b>														
2.01	initial meeting	5.0	\$ 850.00	5.0	\$ 640.00	6.0	\$ 474.00	-	\$ -	-	\$ -	-	\$ -	16.0	\$ 1,964.00
2.02	document review	-	\$ -	1.0	\$ 128.00	4.0	\$ 316.00	-	\$ -	-	\$ -	-	\$ -	5.0	\$ 444.00
2.03	schedule	-	\$ -	1.0	\$ 128.00	2.0	\$ 158.00	-	\$ -	-	\$ -	-	\$ -	3.0	\$ 286.00
2.04	topographic survey	-	\$ -	-	\$ -	4.0	\$ 316.00	-	\$ -	-	\$ -	-	\$ -	4.0	\$ 316.00
2.05	utility evaluation	-	\$ -	-	\$ -	6.0	\$ 474.00	-	\$ -	-	\$ -	-	\$ -	6.0	\$ 474.00
2.06	site reconnaissance	-	\$ -	2.0	\$ 256.00	8.0	\$ 632.00	12.0	\$ 708.00	-	\$ -	-	\$ -	22.0	\$ 1,596.00
2.07	base maps	-	\$ -	-	\$ -	-	\$ -	4.0	\$ 236.00	-	\$ -	-	\$ -	4.0	\$ 236.00
2.08	horticultural soils analysis	-	\$ -	-	\$ -	-	\$ -	1.0	\$ 59.00	-	\$ -	-	\$ -	1.0	\$ 59.00
2.09	geotechnical report	-	\$ -	-	\$ -	2.0	\$ 158.00	-	\$ -	-	\$ -	-	\$ -	2.0	\$ 158.00
2.10	design development - 35% submittal	8.0	\$ 1,360.00	32.0	\$ 4,096.00	48.0	\$ 3,792.00	96.0	\$ 5,664.00	-	\$ -	-	\$ -	184.0	\$ 14,912.00
2.11	cost estimate	1.0	\$ 170.00	2.0	\$ 256.00	8.0	\$ 632.00	12.0	\$ 708.00	2.0	\$ 150.00	-	\$ -	25.0	\$ 1,916.00
2.12	draft specifications	1.0	\$ 170.00	4.0	\$ 512.00	16.0	\$ 1,264.00	-	\$ -	4.0	\$ 300.00	-	\$ -	25.0	\$ 2,246.00
2.13	design development book	1.0	\$ 170.00	4.0	\$ 512.00	4.0	\$ 316.00	8.0	\$ 472.00	-	\$ -	-	\$ -	17.0	\$ 1,470.00
2.14	staff meeting	1.0	\$ 170.00	5.0	\$ 640.00	6.0	\$ 474.00	4.0	\$ 236.00	1.0	\$ 75.00	-	\$ -	17.0	\$ 1,595.00
	<i>subtotal for phase 1.0</i>	17.0	\$ 2,890.00	56.0	\$ 7,168.00	114.0	\$ 9,006.00	137.0	\$ 8,083.00	7.0	\$ 525.00	-	\$ -	331.0	\$ 27,672.00
<b>3.0</b>	<b>Construction Documents</b>														
3.01	construction documents - 95% submittal	4.0	\$ 680.00	16.0	\$ 2,048.00	32.0	\$ 2,528.00	56.0	\$ 3,304.00	2.0	\$ 150.00	2.0	\$ 184.00	112.0	\$ 8,894.00
3.02	cost estimate	1.0	\$ 170.00	1.0	\$ 128.00	4.0	\$ 316.00	6.0	\$ 354.00	1.0	\$ 75.00	-	\$ -	13.0	\$ 1,043.00
3.03	staff meeting	1.0	\$ 170.00	5.0	\$ 640.00	6.0	\$ 474.00	-	\$ -	1.0	\$ 75.00	-	\$ -	13.0	\$ 1,359.00
3.04	permit or agency reviews	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-	\$ -

**Compensation and Payment Matrix**  
**Rotary Centennial Junction**  
 December 5, 2003

<b>Callander Associates' Personnel and Rates</b>															
Phase	Description	Sr Prin @ \$170		Associate @ \$128		Land Arch (3) @ \$79		Asst (1) @ \$59		Word Proc @ \$75		Construction Manager @ \$92		CA Fees	
		hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s	hrs	\$'s
3.05	bid documents	4.0	\$ 680.00	12.0	\$ 1,536.00	32.0	\$ 2,528.00	48.0	\$ 2,832.00	2.0	\$ 150.00	2.0	\$ 184.00	100.0	\$ 7,910.00
3.06	storm water plan	1.0	\$ 170.00	4.0	\$ 512.00	8.0	\$ 632.00	24.0	\$ 1,416.00	2.0	\$ 150.00	-	\$ -	39.0	\$ 2,880.00
3.07	landscape architect's estimate	1.0	\$ 170.00	1.0	\$ 128.00	2.0	\$ 158.00	4.0	\$ 236.00	1.0	\$ 75.00	-	\$ -	9.0	\$ 767.00
3.08	project archive	-	\$ -	-	\$ -	-	\$ -	2.0	\$ 118.00	-	\$ -	-	\$ -	2.0	\$ 118.00
	<i>subtotal for phase 3.0</i>	12.0	\$ 2,040.00	39.0	\$ 4,992.00	84.0	\$ 6,636.00	140.0	\$ 8,260.00	9.0	\$ 675.00	4.0	\$ 368.00	288.0	\$ 22,971.00
4.0	<b>Bidding and Construction Administration</b>														
4.01	pre construction phase (based upon 4 hrs. const. mgr./week for 6 weeks)	1.0	\$ 170.00	2.0	\$ 256.00	4.0	\$ 316.00	-	\$ -	-	\$ -	24.0	\$ 2,208.00	31.0	\$ 2,950.00
4.02	construction phase (based upon 6 hrs. const. mgr./week for 20 weeks)	4.0	\$ 680.00	8.0	\$ 1,024.00	8.0	\$ 632.00	-	\$ -	-	\$ -	120.0	\$ 11,040.00	140.0	\$ 13,376.00
4.03	post construction	1.0	\$ 170.00	4.0	\$ 512.00	-	\$ -	4.0	\$ 236.00	-	\$ -	24.0	\$ 2,208.00	33.0	\$ 3,126.00
	<i>subtotal for phase 4.0</i>	6.0	\$ 1,020.00	14.0	\$ 1,792.00	12.0	\$ 948.00	-	\$ 236.00	-	\$ -	168.0	\$ 15,456.00	204.0	\$ 19,452.00

# Project Schedule Rotary Centennial Junction

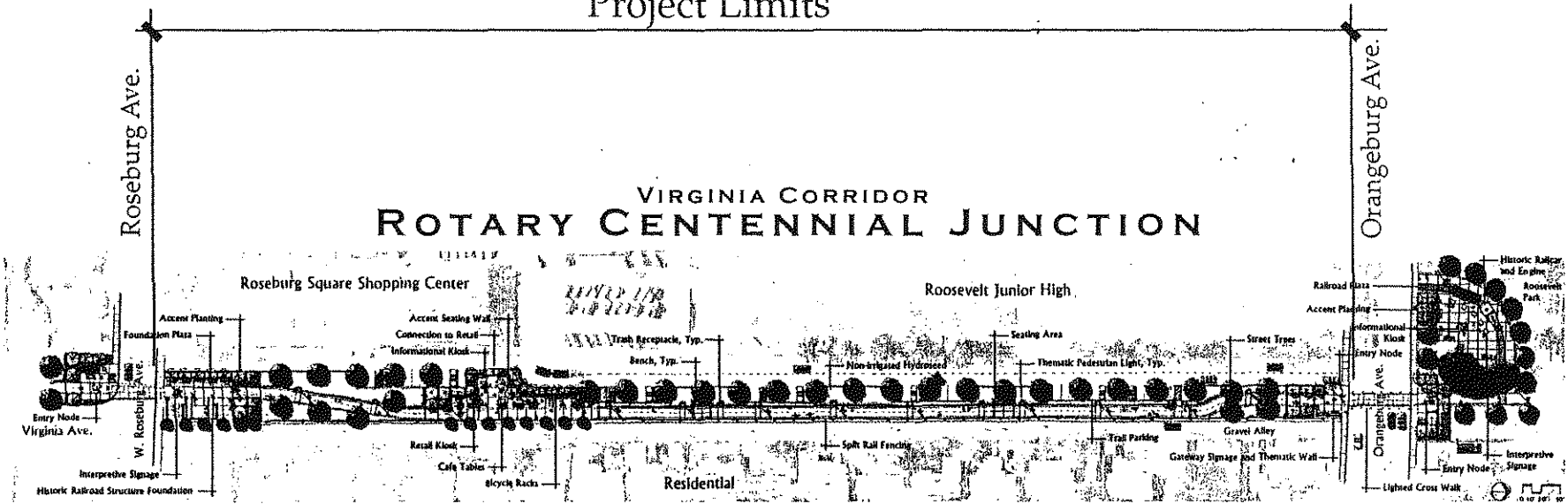
ID	Task Name	Duration	Start	Finish	v 9, '03		Feb 15, '04		May 23, '04		Aug 29, '04		Dec 5, '04		Mar 13, '05		Jun				
					T	S	W	S	T	M	F	T	S	W	S	T	M				
1	<b>2.0 Design Development</b>	<b>40 days</b>	<b>Mon 1/12/04</b>	<b>Fri 3/5/04</b>																	
2	2.01 initial meeting	5 days	Mon 1/12/04	Fri 1/16/04																	
3	2.02 document review	5 days	Mon 1/19/04	Fri 1/23/04																	
4	2.03 schedule	5 days	Mon 1/12/04	Fri 1/16/04																	
5	2.04 topographic survey	15 days	Mon 1/19/04	Fri 2/6/04																	
6	2.05 utility evaluation	5 days	Mon 2/9/04	Fri 2/13/04																	
7	2.06 site reconnaissance	5 days	Mon 2/9/04	Fri 2/13/04																	
8	2.07 base maps	5 days	Mon 1/19/04	Fri 1/23/04																	
9	2.08 horticultural soils analysis	5 days	Mon 2/9/04	Fri 2/13/04																	
10	2.09 geotechnical report	20 days	Mon 1/19/04	Fri 2/13/04																	
11	2.10 design development - 35% submittal	25 days	Mon 1/26/04	Fri 2/27/04																	
12	2.11 cost estimate	5 days	Mon 2/23/04	Fri 2/27/04																	
13	2.12 draft specifications	5 days	Mon 2/23/04	Fri 2/27/04																	
14	2.13 design development book	10 days	Mon 2/16/04	Fri 2/27/04																	
15	2.14 staff meeting (plan review)	5 days	Mon 3/1/04	Fri 3/5/04																	
16	<b>3.0 Construction Documents</b>	<b>55 days</b>	<b>Mon 3/8/04</b>	<b>Fri 5/21/04</b>																	
17	3.01 construction documents - 95% submittal	25 days	Mon 3/8/04	Fri 4/9/04																	
18	3.02 cost estimate	5 days	Mon 4/5/04	Fri 4/9/04																	
19	3.03 staff meeting (plan review)	5 days	Mon 4/12/04	Fri 4/16/04																	
20	3.04 permit or agency reviews	0 days	Fri 4/16/04	Fri 4/16/04																	
21	3.05 bid documents	20 days	Mon 4/19/04	Fri 5/14/04																	
22	3.06 storm water plan	10 days	Mon 5/3/04	Fri 5/14/04																	
23	3.07 landscape architect's estimate	5 days	Mon 5/10/04	Fri 5/14/04																	
24	3.08 project archive	5 days	Mon 5/17/04	Fri 5/21/04																	
25	<b>4.0 Bidding and Construction Administration</b>	<b>240 days</b>	<b>Mon 5/17/04</b>	<b>Fri 4/15/05</b>																	
26	4.01 pre construction phase	60 days	Mon 5/17/04	Fri 8/6/04																	
27	4.02 construction phase	90 days	Mon 8/9/04	Fri 12/10/04																	
28	4.03 post construction	90 days	Mon 12/13/04	Fri 4/15/05																	

Project: 01046Ph1Schedule12-5-03  
Date: Fri 12/5/03

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

# Project Limits Diagram Rotary Centennial Junction

## Project Limits



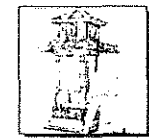
Trash Receptacle



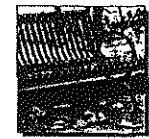
Gateway Signage



Cafe Seating



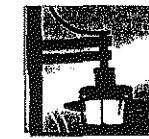
Informational Kiosk



Thematic Bench



Trail Identification Logo



Pedestrian Lighting



Interpretive Signage

CALLANDER ASSOCIATES  
LANDSCAPE ARCHITECTURE, INC.

CITY OF MODESTO  
PLANNING, RECREATION, AND MAINTENANCE SERVICES DEPARTMENT

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-025**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 CAPITAL IMPROVEMENT PLAN BUDGET TO 1) ESTIMATE \$73,000 IN REVENUE FROM THE STATE CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION BOND ACT OF 2002 (PROPOSITION 40) AND APPROPRIATE THIS FUNDING TO 0520-310-M139-6010, VIRGINIA AVENUE CORRIDOR TRAIL PROJECT AND 2) REDUCE THE BUDGET OF 2300-310-A087, VIRGINIA CORRIDOR PHASE I CONSTRUCTION, BY \$43,000 AND RE-APPROPRIATE THIS FUNDING TO 0520-310-M139-6010 TO FULLY FUND PREPARATION OF CONSTRUCTION DOCUMENTS.**

WHEREAS, in March, 2002, the State Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) was enacted, and

WHEREAS, the Proposition 40 Per Capita grant program is intended to maintain a high quality of life for California's growing population by providing a continuing investment in parks and recreation facilities, specifically through the acquisition and development of neighborhood, community and regional parks and recreation lands and facilities in urban and rural areas, and

WHEREAS, the City of Modesto is eligible for \$873,000 in Per Capita funding, and

WHEREAS, on October 7, 2003, by Resolution 2003-531, the City Council authorized staff to apply for Proposition 40 Per Capita grant funding, specifically to request \$500,000 for playground equipment replacement and \$373,000 for development of the Virginia Avenue Corridor, and

WHEREAS, \$300,000 of this funding was allocated to project 2300-310-A087, Virginia Avenue Corridor Construction, as part of the adoption of the Fiscal Year 2003-2004 Capital Improvement Budget, and

WHEREAS, an additional \$73,000 will be available and needs to be appropriated,  
and

WHEREAS, \$116,000 of said funding will be used for the preparation of  
construction documents, with the balance to be used for future phases of the Project, and

WHEREAS, the Safety and Communities Committee met on November 3, 2003,  
and supported the recommendation to use Proposition 40 Per Capita funding for the  
Virginia Avenue Corridor Trail Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the Council hereby approves amending the Fiscal Year 2003-2004 Capital  
Improvement budget to 1) estimate an additional \$73,000 in revenue from the State Clean  
Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002  
(Proposition 40) and appropriate this funding to 0520-310-M139-6010, Virginia Avenue  
Corridor Trail Project, and 2) reduce the budget for 2300-310-A087, Virginia Corridor  
Construction by \$43,000 and re-appropriate this funding to 0520-310-M139-6010.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-026**

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of January, 2004, by Mayor Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-027**

**A RESOLUTION REAPPOINTING KENT FAULKNER TO THE CULTURE  
COMMISSION**

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

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

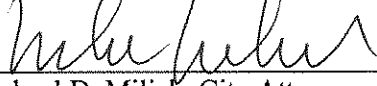
SECTION 1. KENT FAULKNER is hereby reappointed to the Culture Commission with a term expiration of January 1, 2008.

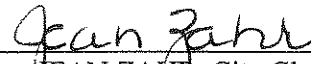
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-028**

**A RESOLUTION REAPPOINTING TONI HECTOR AND TAMMY VANDEN BOSCH  
TO THE DISABLED ACCESS APPEALS BOARD**

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

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

SECTION 1. TONI HECTOR and TAMMY VANDEN BOSCH are hereby reappointed to the Disabled Access Appeals Board with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Disabled Access Appeals Board, and the Secretary thereof.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-029**

**A RESOLUTION REAPPOINTING NORMA REED AND KEELEY STACKHOUSE TO  
THE DOWNTOWN IMPROVEMENT DISTRICT**

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

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

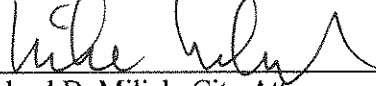
SECTION 1. NORMA REED and KEELEY STACKHOUSE are hereby reappointed to the Downtown Improvement District with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-030

**A RESOLUTION REAPPOINTING CHARLES BEAMER, JOANN GEE AND GALENA GILSTRAP TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION**

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

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

SECTION 1. CHARLES BEAMER, JOANN GEE and GALENA GILSTRAP are hereby reappointed to the Equal Opportunity/Disability Commission with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Equal Opportunity/Disability Commission, and the Secretary thereof.

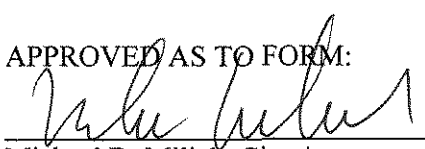
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-031**

**A RESOLUTION REAPPOINTING ARNIE BLANK TO THE GOLF COURSES  
ADVISORY COMMITTEE**

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

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

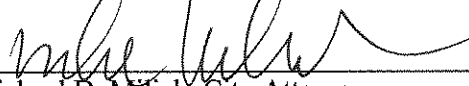
SECTION 1. ARNIE BLANK is hereby reappointed to the Golf Courses Advisory Committee with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Golf Courses Advisory Committee, and the Secretary thereof.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-032**

**A RESOLUTION REAPPOINTING CHRIS HARRIGFELD TO THE HOUSING  
REHABILITATION LOAN COMMITTEE**

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

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

SECTION 1. CHRIS HARRIGFELD is hereby reappointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Housing Rehabilitation Loan Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-033**

**A RESOLUTION REAPPOINTING ROBERT GAUSMAN TO THE LOCAL CABLE PROGRAMMING COMMITTEE**

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

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


SECTION 1. ROBERT GAUSMAN is hereby reappointed to the Local Cable Programming Committee with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Local Cable Programming Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-034**

**A. RESOLUTION REAPPOINTING ALITA ROBERTS TO THE PLANNING  
COMMISSION**

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

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

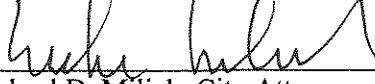
SECTION 1. ALITA ROBERTS is hereby reappointed to the Planning Commission with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-035**

**A RESOLUTION CONFIRMING THE APPOINTMENTS TO THE FOUR  
STANDING COMMITTEES OF THE CITY COUNCIL BY MAYOR RIDENOUR.**

WHEREAS, Section 2-1.18 of the Modesto Municipal Code requires Council confirmation of the Mayor's appointments to standing committees, and

WHEREAS, Mayor Ridenour has made appointments to the four standing committees of the Modesto City Council as follows:

Safety & Communities Committee

Will O'Bryant, Chair  
Brad Hawn, Vice Chair  
Bob Dunbar

Economic Development Committee

Janice Keating, Chair  
Denny Jackman, Vice Chair  
Garrad March

Finance Committee

Brad Hawn, Chair  
Denny Jackman, Vice Chair  
Bob Dunbar

Audit Committee

Jim Ridenour, Chair  
Janice Keating, Vice Chair  
Will O'Bryant

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Mayor Ridenour's appointments are hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 036**

**A RESOLUTION APPROVING BOND COUNSEL AGREEMENT FOR LEGAL SERVICES BETWEEN THE LAW FIRM OF SIDLEY, AUSTIN, BROWN & WOOD AND THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, from time to time developers and property owners file with the City petitions requesting the formation of a community facilities district and the issuance of bonds to provide financing for public infrastructure to serve new development, and

WHEREAS, City has determined that it is necessary and appropriate to hire bond and disclosure counsel to assist and advise City with respect to formation of City's bonded community facilities districts and the issuance of said bonds, on an as needed basis, and

WHEREAS, the City desires to retain the law firm of Sidley, Austin, Brown & Wood to provide said legal advice and counsel, and has determined that said law firm is experienced and qualified to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bond Counsel Agreement between the law firm of Sidley, Austin, Brown & Wood and the City of Modesto be, and is hereby, approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 037**

**A RESOLUTION APPROVING BOND COUNSEL AGREEMENT FOR LEGAL SERVICES BETWEEN THE LAW FIRM OF STRADLING, YOCCA, CARLSON & RAUTH AND THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, from time to time developers and property owners file with the City petitions requesting the formation of a community facilities district and the issuance of bonds to provide financing for public infrastructure to serve new development, and

WHEREAS, City has determined that it is necessary and appropriate to hire bond and disclosure counsel to assist and advise City with respect to formation of City's bonded community facilities districts and the issuance of said bonds, on an as needed basis, and

WHEREAS, the City desires to retain the law firm of Stradling, Yocca, Carlson & Rauth to provide said legal advice and counsel, and has determined that said law firm is experienced and qualified to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bond Counsel Agreement between the law firm of Stradling, Yocca, Carlson & Rauth and the City of Modesto be, and is hereby, approved.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL) ATTEST:   
JEAN ZAJIR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-038**

**A RESOLUTION APPROVING THE FINAL MAP OF THE BRIDGEWOOD TOWNHOUSE SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH GRANITE BAY HOLDINGS, LLC, A LIMITED LIABILITY COMPANY**

WHEREAS, GRANITE BAY HOLDINGS, LLC, a Limited Liability Company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 2.19 acres, known as the BRIDGEWOOD TOWNHOUSE ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 27<sup>th</sup> day of January, 2003, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and after subdivider

has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-039**

**A RESOLUTION RESCINDING RESOLUTION NO. 2003-590 APPROVING A  
COOPERATIVE AGREEMENT WITH CALTRANS FOR THE  
CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT YOSEMITE  
BOULEVARD (STATE ROUTE-132) AND MORTON BOULEVARD**

WHEREAS, on November 5, 2003, City Council approved a Cooperative Agreement with Caltrans District 10 for the construction of a traffic signal at the intersection of Yosemite Boulevard (State Route 132) and Morton Boulevard, and

WHEREAS, City staff received opposition to this Cooperative Agreement from a local business, and

WHEREAS, on November 26, 2003, this issue was brought before the Economic Development Committee for information and discussion, and

WHEREAS, the Economic Development Committee approved and recommended that this item be presented to the full Council for action, and

WHEREAS, on December 30, 2003, City Staff met with Caltrans District 10 whereby it was decided that Caltrans could change the proposed project from signalization control to a Morton Boulevard right-in, right-out configuration with Yosemite Boulevard,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2003-590 approving a Cooperative Agreement with Caltrans for the construction of a new traffic signal at Yosemite Boulevard (State Route-132) and Morton Boulevard.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-040**

**A RESOLUTION RESCINDING RESOLUTION NO. 2003-591 AMENDING THE FISCAL YEAR 2003 CAPITAL IMPROVEMENT PROGRAM AND OPERATING BUDGETS TO FUND THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF YOSEMITE BOULEVARD (STATE ROUTE 132) AND MORTON**

WHEREAS, on November 5, 2003, by Resolution No. 2003-590, the Council approved a Cooperative Agreement with Caltrans for the construction of a new traffic signal at Yosemite Boulevard (State Route 132) and Morton Boulevard, and

WHEREAS, the City of Modesto has budgeted \$85,000 in the Fiscal Year 2003-2004 Capital Improvement Program (CIP) in MY-2300-160-Q206 to fund a share of the construction of new traffic signal at the intersection of Yosemite Boulevard (State Route 132) and Morton Boulevard, and

WHEREAS, the City of Modesto has also budgeted \$13,210 in the Fiscal Year 2003-2004 CIP in MY-2300-160-M144 to fund a share of the construction of other new traffic signals, and

WHEREAS, City Council adopted Resolution No. 2003-591 to amend the FY 03 Capital Improvement Program and Operating Budgets to fund a signal installation at Yosemite Boulevard (State Route 132) and Morton Boulevard, and

WHEREAS, on January 13, 2003, the City Council by Resolution No. 2004-? rescinded the previously approved Cooperative Agreement for Caltrans to construct this traffic signal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution 2003-591 amending the FY 02-03 Operations Budget to establish a new operational account in the Gas Tax Fund: 04-0700-160-1627-6040,

“Gas New TS Yosemite & Morton w/Caltrans,” for \$98,210; the Fiscal Year 2003-2004 CIP Budget reducing the expenditure appropriation of MY-2300-160-Q206-6040 and the Inter-fund transfer MY-2300-700-Q206-9070 by \$85,000 each to partially fund the new Operations account; and the Fiscal Year 2003-2004 CIP Budget reducing the expenditure appropriation of MY-2300-160-M144-6040 and the Inter-fund transfer MY-2300-700-M144-9070 by \$13,210 each to partially fund the new operations account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-041**

**A RESOLUTION SUPPORTING A CALTRANS DISTRICT 10 PROJECT TO DESIGN AND INSTALL INTERSECTION IMPROVEMENTS TO RESTRICT MORTON BOULEVARD TO A RIGHT-IN, RIGHT-OUT ONLY ACCESS TO YOSEMITE BOULEVARD (STATE ROUTE 132)**

WHEREAS, City Council, by Resolution 2003-590, approved a Cooperative Agreement with Caltrans District 10 for the construction of a traffic signal at the intersection of Yosemite Boulevard (State Route 132) and Morton Boulevard, and

WHEREAS, City staff received opposition to this Cooperative Agreement from a local business, and

WHEREAS, on November 26, 2003, this issue was brought before the Economic Development Committee for information and discussion, and it recommended the item be presented to the full Council for action, and

WHEREAS, on December 30, 2003, City Staff met with Caltrans District 10 whereby it was decided that Caltrans could change the proposed project from signalization to a right-in, right-out configuration, and

WHEREAS, at its meeting on January 13, 2003, the Council rescinded Resolution No. 2003-590 approving the Cooperative Agreement with Caltrans for the construction of a traffic signal at Yosemite Boulevard, (State Route 132) and Morton Boulevard,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports a Caltrans District 10 project to design and install intersection improvements to restrict Morton Boulevard to a right-in, right-out access only to Yosemite Boulevard (State Route 132).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-042**

**A RESOLUTION APPROVING AN AGREEMENT WITH FORESIGHT CONSULTING, IN THE AMOUNT OF \$99,950 FOR THE WATER AND WASTEWATER USER FEE AND INFRASTRUTURE FEE STUDY AND AUTHORIZING THE APPROPRIATION AND THE CITY MANAGER TO EXECUTE THE SAME**

WHEREAS, The City of Modesto has not updated its water and sewer fee study since 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Foresight Consulting, in the amount of \$99,950 for services related to the Water and Wastewater User Fee and Infrastructure Fee Study,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement and appropriate funds from 04-6100-800-8000-8003 for \$54,973 and 04-6200-800-8000-8003 for \$44,977 to 04-0100-120-1205-0235 for a total of \$99,950 for payment of services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2003-043**

**A RESOLUTION DENYING THE APPEAL OF BEN ALLUSTIARTE, CENTURY 21 M & M AND ASSOCIATES TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING THE APPEAL OF BEN ALLUSTIARTE TO STAFF'S DECISION PERTAINING TO THE REUSE OF AN EXISTING FREE-STANDING, FREEWAY-ORIENTED SIGN AT 2024 W. ORANGEBURG AVENUE.**

WHEREAS, Century 21 M & M and Associates are preparing to occupy, for its business office location, a building first built for a Pizza Inn Restaurant, later Tree Frog Tavern, Blue Moon Café, and more recently Jakes Sports Bar located at 2024 W. Orangeburg Avenue, backing up to Freeway 99, and

WHEREAS, Century 21 M&M and Associates wishes to reuse the existing 144-square foot free-standing, freeway-oriented sign located at 2024 W. Orangeburg Avenue, and

WHEREAS, Ben Allustiarte a representative of Century 21 M & M Associates approached City staff with a request to reface the existing sign for the new business, and

WHEREAS, per Modesto Municipal Code Section 10-2.2114(g), the City Sign Regulations clearly do not allow use of this sign for this type of business City staff would not issue such a permit, and

WHEREAS, on October 16, 2003, an appeal was filed by Ben Allustiarte to the City Staff's refusal to allow the sign reuse, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on November 20, 2003, in the Tenth Street Place Chambers, located at 1010 Tenth Street at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 2003-21, the Board of Zoning Adjustment denied the appeal of Ben Allustiarte of Century 21 M & M Associates pertaining to the reuse of the

existing 144-square foot free-standing, freeway-oriented sign located at 2024 W. Orangeburg Avenue, on November 20, 2003, and

WHEREAS, on November 20, 2003, an appeal to the decision of the Board of Zoning Adjustment was filed with the office of the City Clerk by Ben Allustiarte in regard to the reuse of the subject sign, and

WHEREAS, said appeal was set for a hearing before the City Council to be held on December 11, 2003 in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, CA, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, after said hearing, the council found and determined that said appeal to the decision of the Board of Zoning Adjustment should be denied and the decision of the Board of Zoning Adjustment should be affirmed because use of a free-standing, freeway-oriented sign is not allowed in the C-3, Highway Commercial Zone, except for gas, good, and lodging uses and for shopping centers containing a minimum of 250,000 square feet of retail space and Century 21 M & M Associates is a business office use which does not qualify for a free-standing, freeway-oriented sign,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Ben Allustiarte, Century 21 M & M Associates, to the Board of Zoning Adjustment's decision denying the appeal of Ben Allustiarte to staff's decision pertaining to the reuse of an existing 144-square foot free-standing, freeway-oriented sign located at 2024 W. Orangeburg Avenue is hereby denied, and the decision of the Board of Zoning Adjustment is hereby affirmed for the reason set forth above.

BE IT FURTHER RESOLVED that the Council hereby directs that said sign located at 2024 W. Orangeburg Avenue be removed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-044**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(454), TO PLANNED DEVELOPMENT ZONE, P-D(564) PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BRIGGSMORE AVENUE AND OAKDALE ROAD (SOELLING)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the updated Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Warner Soelling has proposed that the zoning designation for property located on the southwest corner of Briggsmore Avenue and Oakdale Road be amended to rezone from Planned Development Zone, P-D(454), to Planned Development Zone, P-D(564), in the City of Modesto ("the project") to allow 24,925 square feet of office, a 7,350-square-foot restaurant and a 8,625-square-foot financial/retail building, and

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

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2003-91 ("Initial Study") reviewed

the proposed amendment to the Zoning Map and rezone to P-D(564) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“Master EIR”), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on December 19, 2003, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 13, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(564) project, a copy of which is attached hereto as **Exhibit “A”**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.

2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2003-91

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. (2003-91)**

**For the proposed:**

**P-D (Eastgate Center)**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**12/10/03**

**City of Modesto  
Master EIR Initial Study Checklist**

**I. PURPOSE**

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether P-D (Eastgate Center) is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

**II. PROJECT DESCRIPTION**

- A. Title: P-D (Eastgate Center)
- B. Address or Location: Southwest corner of Briggsmore Avenue and Oakdale Road.
- C. Applicant: Warner Soelling, 1500 Santa Paula Drive #11, Modesto, Ca. 95355
- D. City Contact Person: Josh Bridegroom

Project Manager: Josh Bridegroom  
Department: Community and Economic Development Department  
Phone Number: (209) 571-5540  
E-mail address: jbridegroom@modestogov.com

- E. Current General Plan Designation(s): Mixed Use
- F. Current Zoning Classification(s): P-D(454)
- G. Surrounding Land Uses: North: Briggsmore Avenue  
South: Residential and Office  
East: Oakdale Road  
West: Residential

- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

This is zoning and miscellaneous land use project as defined by Section II.C of the MEIR. This is an application to rezone P-D(454) to Planned Development to allow for the development of a 24,925 square foot office complex with a 7,350 square foot restaurant on the corner of Briggsmore Avenue and Oakdale Road and a 8,625 square foot financial/retail building on the southeast corner of the property. The development is proposed to be constructed in four phases. A phasing schedule has yet to be submitted. The project is proposed to gain ingress and egress from and to Oakdale Road at the southwestern corner of the property and ingress from Briggsmore Avenue via a slip ramp at the north end of the property. The applicant is proposing 215 parking stalls in conjunction with this development.

- I. Other Public Agencies Whose Approval is Required:

None

**III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)**

1. X **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
- D. Based on the Initial Study, the City of Modesto finds and determines:
  - a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b) No new or additional mitigation measures or alternatives are required.
- E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

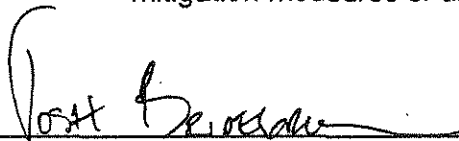
2.      **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3.      **Focused EIR Required**- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

  
Project Manager

ASSISTANT PLANNER  
Title  
12/15/03  
Date

**4. Within the Scope Analysis of this Document:**

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

**5. Currency of the Master EIR Document**

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.  | X   | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings: . | X   | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.  | X   | <input type="checkbox"/> |

- (4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available. X
- (5) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development. X

**IV. ENVIRONMENTAL ANALYSIS**

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 buildout of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

**1. TRAFFIC AND CIRCULATION**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |  | YES | NO |
|--|-----|----|
| (1) The project would contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway's peak hour or the development's peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. |     | X  |

Where a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO |
|--|--------------------------|----|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | X  |
| (3) Result in inadequate emergency access.   | <input type="checkbox"/> | X  |
| (4) Result in inadequate parking capacity.   | <input type="checkbox"/> | X  |

Discussion:

- (1) Engineering and Transportation Staff reviewed the proposed project and have the following comments:
  - A. The proposed project will not generate traffic impacts to the adjacent roadways in excess of what was assumed under the MEIR. No traffic study is required.
  - B. Engineering and Transportation staff have indicated that a site access study is not required for this project.
- (2) The project proposes access from Briggsmore Avenue via a slip ramp. However, the slip ramp meets City Standards as defined by the Standard Specifications.
- (3) Fire and Police Staff have reviewed this proposal and have not indicated that there is an emergency access problem. The project meets the City's Standards with regard to number of access points and maneuverability of emergency vehicles:
- (4) The project meets the City Standards for parking to building-area ratio.

## 2. AIR QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation Measures appropriate to this project include: AQ-17

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.		X
(2)	The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.	<input type="checkbox"/>	X
(3)	The project does not comply with the air quality policies of the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(4)	The project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	X
(5)	The project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	X

Discussion:

- (1) The project is within the scope of the Master EIR for traffic related impacts. Therefore, it should be within the scope of the Master EIR for CO and NOx emissions in that these pollutants are traffic induced.
- (2) This project does incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measures above).
- (3) Applicable General Plan Policies will be applied to the project. Therefore, project-specific effects will be less than significant for this impact (see mitigations measures above).
- (4) The project is not a significant contributor to pollution levels in that it is primarily an office complex with one restaurant. Thus, the main source of pollution that would come with the development is traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related pollution concentration impacts. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.
- (5) The project, being primarily office related in nature, should not produce objectionable odors.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project, and any new measures are listed in Section IV, Mitigation Applied to Project:

Discussion:

Mitigation Measures appropriate to this project include: N-4, N-5 N-6 and N-10.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

		YES	NO
(1)	The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	X
(2)	The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(3)	The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	X
(4)	The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.,m./	<input type="checkbox"/>	X

Discussion:

- (1) The City's noise policy is incorporated into the conditions of approval as a mitigation measure.
- (2) The project is consistent with what the General Plan assumed for the site both in land use and intensity and is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project.
- (3) The only permanent noise levels produced by the project would be associated with traffic. The increased traffic levels are within the scope of what the MEIR assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.
- (4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project.

#### **4. AGRICULTURAL LANDS**

##### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

##### **b. Master EIR and/or New Mitigation Measures Pertinent to the Project**

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

There are no mitigation measure applicable to this project.

**c. Project-Specific Effects**

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project will directly result in the development of land outside the March 2003 planning area boundaries.	<input type="checkbox"/>	X
(3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.	<input type="checkbox"/>	X
(4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan land use policies. It is an infill project, proposed within the urbanized area of the City. There are no agricultural parcels affected by the proposal and no agricultural and will be converted.
- (2) The project is within the baseline developed area of the City and therefore will not result in the development of land outside the March 2003 planning area boundaries.
- (3) The project site is not zoned for agriculture nor is it under Williamson Act contract.
- (4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The project is completely surrounded by urbanization.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no mitigation measure applicable to this project.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.		X
(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

- (2) Sufficient water supplies are available to serve the proposed development. Engineering and Transportation Staff required that the developer submit estimated water demands for the project and determined that the City had adequate water resources to serve the project for both regular and emergency uses.

## 6. SANITARY SEWER SERVICES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

There are no mitigation measure applicable to this project.

### c. Project-Specific Effects

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   |                          | X  |
| (2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) Engineering and Transportation Staff required that the developer submit estimated sewer demands for the project and determined that the City had adequate sewer capacity to serve the project for both regular and emergency uses.

## 7. SENSITIVE WILDLIFE AND PLANT HABITAT

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no mitigation measure applicable to this project. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR.

**c. Project-Specific Effects**

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.	<input type="checkbox"/>	X
(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.
- (3) There is no conflict with any local policies or ordinances protecting biological resources.

**8. ARCHAEOLOGICAL OR HISTORICAL SITES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions

such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

Mitigation Measures applicable to this project include: AH-8, Master EIR.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.
- (2) The project would not adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. The mitigation measure called for by the General Plan is incorporated into the conditions of approval for the project.

## 9. STORM DRAINAGE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

Mitigation measures appropriate to this project include: SD-7, MEIR. This mitigation measure is addressed by conditions of approval nos. 12 and 14.

### c. Project-Specific Effects

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.  | <input type="checkbox"/> | X  |
| (3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.
- (2) The project proposes to increase the impervious surface. However, it should be designed to meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures," adopted by the City and applied to the project as a Mitigation Measure. With the application of the appropriate mitigation, the effect will be less than significant.
- (3) The project will contribute additional water runoff. However, with the application of the mitigation measures called for in the conditions of approval of the project, the effect will be less than significant.

## 10. FLOODING AND WATER QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or

otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

Mitigation measures appropriate to this project include: FWQ-14, MEIR.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	X
(3)	The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	X
(4)	The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan Designation for the site both in land use and intensity.

- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3) Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.
- (4) The project would not create or contribute to runoff water in excess of the capacity of existing or planned storm water drainage systems or provide additional sources of polluted runoff. The appropriate mitigation measures will be applied to the project.

## 11. PARKS AND OPEN SPACE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

#### Discussion:

There are no mitigation measure applicable to this project. It is not on or adjacent to any park sites, nor is it near any of the riparian area identified by Figures V-7-1a through V-7-1e of the MEIR.

### c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

**12. SCHOOLS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

There are no mitigation measure applicable to this project.

## 6. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

### Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project is an office and commercial complex with no residential student gathering component.

## 13. POLICE SERVICES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

### Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

**14. FIRE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the

project to be incorporated into or made conditions of approval of this project. are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) This project was referred to the County and Solid Waste Division of the Engineering and Transportation Division for review, and no indication was given that there would be a problem serving this project

**16. HAZARDOUS MATERIALS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.	<input type="checkbox"/>	X
(3)	The project contains a contaminated site not identified as of March 2003.	<input type="checkbox"/>	X
(4)	The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	X
(5)	The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

- (2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.
- (3) The project site has never had any development on it and is not known to contain any contaminants.
- (4) The only hazardous materials that will be potentially present on the site are those related to the proposed medical and dental offices. However, these are subject to state and federal regulations that will reduce the impact on nearby Orchard School to less than significant.
- (5) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

## 17. LANDSLIDES AND SEISMIC ACTIVITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

**18. ENERGY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

**19. PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.                | <input type="checkbox"/> | X  |
| (2) The project includes a substantive amendment to the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |
| (3) The project would physically divide an established community                         | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) No amendment to the General Plan is required by this project.

- (3) The project will be located on the periphery of a single family development south of Briggmore Avenue and east of Oakdale Road. It will not divide this established community.

**20. AESTHETICS**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	X
(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.	<input type="checkbox"/>	X
(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) There are no Scenic Vistas from the location of the proposed development. It is completely surrounded by urbanization. Views to the Diablo and Sierra Mountain Ranges are already precluded from this site and its surroundings.
- (3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings. The project will be made to meet City Standards for setbacks from public streets and landscaping. Curb, gutter and sidewalk will be installed, and the buildings will be made to tie together architecturally.
- (4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area. Standard conditions of approval requiring lighting to be shielded from adjacent residential uses and walling to be constructed between the project and adjacent residences would be imposed on this project. This will mitigate the effects of lighting and glare to less than significant.

## V. MITIGATION MEASURES APPLIED TO THE PROJECT

### A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project.

#### Traffic and Circulation Measures:

N/A

#### Air Quality Measures:

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
2. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
3. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
4. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
5. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
6. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
7. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
8. Suspend excavation and grading activity when winds exceed 20 mph; and
9. Limit the area subject to excavation, grading and other construction activity at any one time.

## Noise Measures:

1. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- A. A hammer, or any other device or implement used to pound or strike an object.
- B. An impact wrench, or other tool or equipment powered by compressed air.
- C. A hand-powered saw.
- D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
- H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

2. Construction equipment and vehicles shall be equipped with properly operating mufflers according to the manufacturer's recommendations. Air compressors and pneumatic equipment shall be equipped with mufflers and impact tools shall be equipped with shrouds or shields.

**Agricultural Land Measures:**

N/A

**Water Supply Measures:**

N/A

**Sanitary Sewer Service Measures:**

N/A

**Sensitive Wildlife and Plant Habitat Measures:**

N/A

**Archaeological or Historic Sites Measures:**

1. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K

**Storm Drainage Measures:**

1. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of storm water in accordance with the guidance manual for new development stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.
2. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

**Flooding and Water Quality Measures:**

1. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of storm water in accordance with the guidance manual for new development stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.
2. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

**Parks and Open Space Measures:**

N/A

**Schools Measures:**

N/A

**Police Services:**

N/A

**Fire Services:**

N/A

**Generation of Solid Waste**

N/A

**Generation of Hazardous Materials**

N/A

**Potential for Landslides and Seismic Activity**

N/A

**Energy**

N/A

**Planning and Land Use**

N/A

**Aesthetics**

1. Prior to the issuance of a building permit for any other construction, a six-foot-high decorative masonry where the property is adjacent to Santa Paula Drive and Kendell Avenue shall be installed ten feet behind property line.
2. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

Amended on 7/14/04  
by Reso # 2004-56

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-045**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(564). (SOELLING)**

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Warner Soelling on October 14, 2003, to reclassify from Planned Development Zone, P-D(454), to Planned Development Zone, P-D(564), to allow 24,925 square feet of office, a 7,350-square-foot restaurant and a 8,625-square-foot financial/retail building, described as follows:

P-D(454) to P-D(564)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northeast Quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

All of Lot 18 in Block 1345, of Eastgate, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on August 23, 1989 in Volume 34 of Maps, at Page 29;

Also including the easterly half of Santa Paula Drive, the northerly half of Kendall Avenue, the southerly half of the 60 foot eastbound lane of East Briggsmore Avenue, and the westerly half of Oakdale Road, all being immediately adjacent to the above described property.

WHEREAS, after a public hearing held on December 15, 2003, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2003-65, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed office development serves as a good buffer between Briggsmore Avenue and the single-family residential neighborhood to the south.

2. The proposed office development is consistent with the current General Plan land use designation for the site.

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 13, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Warner Soelling for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2003-65 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3342-C.S. on the 13<sup>th</sup> day of January, 2004, reclassifying the above-described property from Planned Development Zone, P-D(454), to Planned Development Zone, P-D(564).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(564), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations titled "Eastgate Center" as amended in red, stamped approved by the City Council.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhoods Director. Provision shall be made for the installation and maintenance of one deciduous shade-giving tree for every eight parking stalls, evenly distributed. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Prior to the issuance of certificate of occupancy for Building A, all internal landscaping for the first phase of development and all perimeter landscaping and the irrigation system shall be installed in accordance with the approved plan.
4. Prior to the issuance of certificate of occupancy for Buildings B through E all associated landscaping and the irrigation system to service that landscaping shall be installed in accordance with the approved plan.
5. Prior to the issuance of a building permit for any construction, a chain link fence with slats shall be installed along the property line adjacent to Santa Paula Drive and Kendell Avenue.
6. Prior to the certificate of occupancy of Building A, a six-foot-high decorative masonry where the property is adjacent to Santa Paula Drive and Kendell Avenue shall be installed ten feet behind property line.
7. All landscaping, fences, and walls shall be maintained in accordance with the approved plan and the premises shall be kept free of weeds, trash, and other debris.
8. Prior to occupancy of any building, irrigation, electrical, gas and domestic water lines shall be removed, relocated, or protected as required by the Engineering and Transportation Director and/or the utility companies, and easements for utility lines to remain shall be dedicated.
9. Prior to the issuance of occupancy of Building A, dedication and improvements consistent to Standard Specifications shall be provided, including the following:
  - a. Both points of access, the slip ramp from Briggsmore Avenue and the ingress/egress from Oakdale Road, including the designated right turn lane shall be constructed.
  - b. Full dedication and improvements on all street frontages.
  - c. The Median on Oakdale Road from the intersection of Briggsmore Avenue.

10. Prior to the issuance of a building permit, a phasing plan shall be submitted. Adequate parking, traffic circulation and fire apparatus access shall be accommodated to meet City Standards for each phase of development as approved by the Community and Economic Development Director.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. Ten-foot-wide public utility easements, and planting easements located within the ten-foot-wide public utility easements, shall be dedicated along all street frontages as required by the Engineering and Transportation Director.
13. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of storm water in accordance with the guidance manual for new development stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.
14. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employ-ees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
15. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.
16. All signs shall comply with the sign requirements of the P-O Zone, except for the restaurant and Building D which shall comply with the sign requirements of the C-3 Zone.
17. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the

major buildings as approved by the Community and Economic Development Department Director.

18. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.
19. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
20. Prior to the issuance of certificate of occupancy, the developer shall, in a manner approved by the City Attorney, provide two points of vehicular access for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.
21. Prior to the issuance of a building permit for each of the buildings proposed, the developer shall provide elevations for approval by the Community and Economic Development Director. The elevations for each of the buildings shall relate architecturally to each of the others. Elevations for the restaurant and retail/ financial buildings shall return to the Commission for approval.
22. Prior to the issuance of a building permit for Building A, the developer shall submit elevations embellished with a wainscot for approval by the Community and Economic Development Director.

In addition, the following recommended conditions of approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

23. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the State CEQA Guidelines.
24. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical

stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover

25. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
26. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
27. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
28. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
29. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
30. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
31. Suspend excavation and grading activity when winds exceed 20 mph; and
32. Limit the area subject to excavation, grading and other construction activity at any one time.
33. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- A. A hammer, or any other device or implement used to pound or strike an object.

- B. An impact wrench, or other tool or equipment powered by compressed air.
- C. A hand-powered saw.
- D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
- H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

34. Construction equipment and vehicles shall be equipped with properly operating mufflers according to the manufacturer's recommendations. Air compressors and pneumatic equipment shall be equipped with mufflers and impact tools shall be equipped with shrouds or shields.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(564):

The construction program be accomplished in two phases as follows:

Phase I – Construction to begin on or before January 13, 2006 and completion to be not later than January 13, 2007.

Phase II – Construction to begin on or before January 13, 2008 and completion to be not later than January 13, 2009.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(564), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: 

Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-046**

**A RESOLUTION APPROVING A TAX-EXEMPT BOND FINANCING TO BE  
ISSUED BY THE CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT AUTHORITY TO BENEFIT SUTTER HEALTH AND  
CERTAIN AFFILIATES**

WHEREAS, Sutter Health, Memorial Hospitals Association and certain other affiliates of Sutter Health, each a nonprofit public benefit corporation (collectively, the "Health Institutions"), have requested that the California Statewide Communities Development Authority (the "Authority") issue bonds in one or more series in an aggregate principal amount not to exceed \$375,000,000 (the "Bonds") for the purpose of, among other things, financing or refinancing the acquisition, improvement and equipping (the "Financing") of certain health facilities owned or operated by the Health Institutions, including Memorial Hospitals Association (the "Facilities") located in the City of Modesto (the "City"), and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the issuance of the Bonds by the Authority must be approved by the City because the Facilities are located within the territorial limits of the City, and

WHEREAS, the City Council of the City (the "Council") is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds under Section 147(f) of the Code, and

WHEREAS, the Authority has requested that the Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among

certain local agencies, including the City, and

WHEREAS, pursuant to Section 147(f) of the Code, the Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority,

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

Section 1. The Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Council that this Resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facilities are to be located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement.

Section 2. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 3. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-047**

**A RESOLUTION APPOINTING JOE GARDELLA TO THE BOARD OF  
ZONING ADJUSTMENT**

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

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

SECTION 1. JOE GARDELLA, as representative of the Planning Commission, is hereby appointed to the Board of Zoning Adjustment with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-048**

**A RESOLUTION IN SUPPORT OF A STATEWIDE BALLOT INITIATIVE TO  
REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY  
“TAKE” LOCAL TAX FUNDS**

WHEREAS, state government currently seizes over \$800 million in city property tax funds (ERAF) statewide, seriously reducing resources available for local public safety and other services, and

WHEREAS, this property tax loss to Modesto now exceeds \$3.5 million annually and continues to grow, and

WHEREAS, in adopting the state budget this year the Legislature and Governor appropriated local vehicle license fee backfill and redevelopment property tax funds that are needed to finance critical city services such as public safety, parks, street maintenance, housing and economic development, and

WHEREAS, the state budget relies on a deficit bond financing program that is predicated on a local property and sales tax swap that leaves city services vulnerable to future losses if the state’s economic condition fails to improve, and

WHEREAS, it is abundantly clear that the state will continue to use local tax funds to balance the state budget unless the voters limit the power of the legislature and governor to do so, and

WHEREAS, the voters of California are the best judges of whether local tax funds should be diverted, confiscated, shifted or otherwise taken by the legislature to finance an ever expanding state government, and

WHEREAS, the General Assembly of Voting Delegates of the League of California Cities at its September 10, 2003 meeting voted to sponsor a statewide ballot

initiative to empower the voters to limit the ability of state government to confiscate local tax funds to fund state government, and

WHEREAS, The League of California Cities has requested that cities offer support for a November 2004 ballot initiative that will allow voters to decide whether state government may appropriate local tax funds to fund state government operations and responsibilities,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City hereby expresses its strong support for a statewide ballot initiative to allow voters to decide whether local tax funds may be taken, confiscated, shifted, diverted or otherwise used to fund state government operations and responsibilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-049**

**A RESOLUTION RETROACTIVELY ADJUSTING THE APPROPRIATIONS LIMIT  
FOR COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-  
BANGS/PELANDALE-SNYDER)**

WHEREAS, on December 8, 1998, the City formed Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) ("CFD") for the purpose of funding the construction of infrastructure in the Carver-Bangs and Pelandale-Snyder Specific Plan areas, and

WHEREAS, as part of the CFD formation, the City was required to establish an appropriations limit which establishes the maximum amount of annual expenditures which can be made by the CFD, and

WHEREAS, the original appropriations limit for the CFD was inadvertently established as \$1,000,000 rather than \$10,000,000 due to a typographical error in the original public report for the CFD, and

WHEREAS, as a result of a financial and performance audit conducted by Vavrinek, Trine, Day & Company ("VTD"), the City was advised of the low appropriations limit and that it had exceeded the appropriations limit in fiscal years 2000-2001 and 2001-2002, and

WHEREAS, once an appropriations limit has been established the legislative body may adjust the appropriations limit annually for changes in population since the inception of the CFD, and may calculate said changes retroactively in order to establish a more accurate appropriations limit, and

WHEREAS, the CFD desires to adjust retroactively the annual appropriations limit based on substantial increases in population within the CFD so that previous expenditures will fall within the appropriations limit and in order to proceed with its objectives of timely

construction of facilities to serve the CFD and issuing reimbursements for previously constructed facilities.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. That the City Council, as the governing body for the CFD, hereby estimates the changes in population within the CFD in the absence of an estimate by the Department of Finance.
2. That the estimated population within Community Facilities District 1998-2 (Carver-Bangs/Pelandale-Snyder) ("CFD") increased from 7 on December 15, 1998 to 36 on June 30, 1999. This estimated population increase in the CFD population represents an approximately 514% annual increase which would have supported an adjusted appropriations limit of \$5,142,857.14 for fiscal year 1999-2000.
3. That the estimated population within Community Facilities District 1998-2 (Carver-Bangs/Pelandale-Snyder) ("CFD") increased from 36 on June 30, 1999 to 241 on June 30, 2000. This estimated population increase in the CFD population represents an approximately 669% annual increase which supports an adjusted appropriations limit of \$34,428,571.41 for fiscal years 2000-2001 and 2001-2002.
4. All documentation used to calculate and support the increase in the appropriations limit has been available to the public for at least fifteen (15) days prior to the meeting at which this resolution was considered.

BE IT FURTHER RESOLVED that the Council hereby adjusts and increases the annual appropriations limit for Community Facilities District No. 199802 (Carver-Bangs/Pelandale/Snyder) from \$1,000,000 to \$34,428,571.41. The adjustment to the appropriations limit is effective retroactively as of June 30, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmrmber Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-050**

**A RESOLUTION APPROVING A \$998,200 AGREEMENT WITH CAROLLO ENGINEERS, OF WALNUT CREEK, CALIFORNIA, FOR PROFESSIONAL ENGINEERING SERVICES TO DEVELOP THE WASTEWATER MASTER PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto completed its current Wastewater Master Plan (WWMP) in 1995 and, to date, it has served its intended purpose of guiding wastewater system improvements, and

WHEREAS, Municipality Wastewater Master Plans are typically updated every five to seven years to incorporate new growth and current operations and planning data, and

WHEREAS, a number of changes have occurred in the last eight years which make it necessary to update the WWMP, and

WHEREAS, the Proposals and Interviews of consulting firms qualified to prepare the City's Wastewater Master Plan were rated by the selection team, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that Carollo Engineers, be accepted as the most qualified engineering consulting firm, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the proposal of Carollo Engineers, in an amount not to exceed \$998,200,

WHEREAS, the Economic Development Committee reviewed this item at its meeting on January 12, 2004, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Carollo Engineers, for preparation of the Wastewater Master Plan in an amount not to exceed \$998,200.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmrmber Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-051**

**A RESOLUTION AMENDING THE FY03-04 CAPITAL IMPROVEMENT BUDGET TO REAPPROPRIATE \$300,000 FROM 6210-430-A211 (JEFFERSON SEWER TRUNK REHABILITATION) AND \$50,000 FROM 6210-430-A209 (ENGINEERING SYSTEM ANALYSIS) TO 6210-800-8000-8003 (WASTEWATER RESERVES), FOLLOWED BY THE REAPPROPRIATION OF THAT SAME \$350,000 FROM 6210-800-8000-8003 (WASTEWATER RESERVES) TO 6210-430-A208 (WASTEWATER MASTER PLAN UPDATE)**

WHEREAS, on January 27, 2004, the City Council approved a professional services agreement with Carollo Engineers to prepare the Wastewater Master Plan (Plan), and

WHEREAS, the Plan will perform critical infrastructure planning tasks, including identifying improvements for existing and future services, and

WHEREAS, the Plan's total cost of \$998,200 is more than the Wastewater Master Plan Fund balance of \$700,000, by an amount of \$298,200, and

WHEREAS, the Jefferson Subtrunk Rehabilitation Fund has sufficient funds to cover the additional amount of \$298,200, and

WHEREAS, the Jefferson Subtrunk Rehabilitation planning and design work has been incorporated in the Wastewater Master Plan scope of work, and

WHEREAS, additional funds in the amount of \$50,000 are needed to cover staff costs to manage the project, and

WHEREAS, the Engineering Systems Analysis Fund has sufficient funds to cover the additional amount of \$50,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY03-04 Capital Improvement Budget to reappropriate \$300,000 from 6210-430-A211 (Jefferson Sewer Trunk Rehabilitation) and

\$50,000 from 6210-430-A209 (Engineering System Analysis) to 6210-800-8000-8003 (Wastewater Reserves), followed by the reappropriation of that same \$350,000 from 6210-800-8000-8003 (Wastewater Reserves) to 6210-430-A208 (Wastewater Master Plan Update).

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember ?, who moved its adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-052**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE PRELIMINARY DESIGN OF THE CITY OF MODESTO'S PHASE TWO DOWNSTREAM IMPROVEMENTS AND APPROVING THE PROPOSED CONSULTANT SELECTION EVALUATION CRITERIA AS PER ATTACHMENT 2**

WHEREAS, the City of Modesto and the Modesto Irrigation District (MID) have begun work planning to expand the Modesto Regional Water Treatment Plant (MRWTP) from its existing capacity of 30 million gallons per day (mgd) to 60 mgd, and

WHEREAS, downstream improvements consisting of water storage tanks, booster pumping stations, pressure and/or flow control valves, and pipelines are needed to fully integrate the Phase Two expansion of the MRWTP with the City's water system, and

WHEREAS, an initial evaluation of the water distribution system, using the City's recently developed computer model, has confirmed the need for these improvements and has provided a general project description of the improvements, and

WHEREAS, the preliminary design for the downstream improvements needs to be completed by the fall of 2004 to remain on schedule with the Phase Two project's scheduled operation in the year 2007, and

WHEREAS, City staff has proposed evaluation criteria to be included in the Request for Proposals, and

WHEREAS, Attachment A of the Director of Engineering and Transportation's January 27, 2004, agenda report to Council contains the recommended evaluation criteria to be used in selecting a firm to perform the Preliminary Design of the downstream improvements, and

WHEREAS, this study is a capital improvement project within the water program (CIP Account #6100-430-A202) for a total amount of \$8,800,000 over fiscal years 2003/04 through 2005/06 with \$700,000 in it for FY2003/04 to go towards preliminary and final design of the downstream improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to proceed with a Request for Proposals for preparation of the preliminary design of the downstream improvements for the City of Modesto's water system.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the evaluation criteria contained in Attachment 2 of the Engineering and Transportation Director's January 27, 2004, agenda report to Council is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-053**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN THE BANYON ESTATES  
SUBDIVISION, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF  
COMPLETION AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, GREG AVERY, INC., a California Corporation, is the subdivider of the Banyon Estates Subdivision, and

WHEREAS, GREG AVERY, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of \$686,714.16 and \$343,357.08, respectively, and

WHEREAS, GREG AVERY, has filed a warranty bond in the amount of \$68,671.42 to guarantee improvements in the Banyon Estates Subdivision, and

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

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

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

1. The improvements in the Banyon Estates Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$686,714.16 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$343,357.08 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$68,671.42 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Alison Barratt-Green  
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-054**

**A RESOLUTION SUMMARILY VACATING A SANITARY SEWER  
EASEMENT LOCATED BEHIND 319 6<sup>th</sup> STREET ON APN 103-009-006 IN THE  
CITY OF MODESTO**

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

WHEREAS, on or about June 1, 1966, the State of California, the then owner of the property, dedicated to the City of Modesto a public easement for sanitary sewer purposes located behind 319 6<sup>th</sup> Street on APN 103-009-006 (“Sanitary Sewer Easement”), and

WHEREAS, the Sanitary Sewer easement is more particularly described in **Exhibit “A”** attached hereto and incorporated herein by this reference, and

WHEREAS, on or about September 1, 1966 the City of Modesto Public Works & Transportation Department relocated the sanitary sewer line from the Sanitary Sewer Easement to the alley adjacent to APN 103-009-006 so the Sanitary Sewer Easement is no longer needed for the purpose for which it was dedicated, and

WHEREAS, the City of Modesto has received a request from DR. CHARLES R. EVINS II, Pastor of NEW BETHANY MISSIONARY BAPTIST CHURCH, of NEW BETHANY MISSIONARY BAPTIST CHURCH, INC., to vacate the Sanitary Sewer Easement, and

WHEREAS, the Engineering and Transportation Department has contacted the Operations and Maintenance Department, and they have no objection to the proposed vacation, and

WHEREAS, the Council of the City of Modesto finds and declares that:

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

2. The easement which is proposed to be vacated is a public sanitary sewer easement located behind 319 6<sup>th</sup> Street on APN 103-009-006 in the City of Modesto. This use has been superseded by relocation, there are no other public sewer facilities within the easement and the easement is no longer required for public sewer purposes.

3. That from and after the date this resolution is recorded, the sanitary sewer easement which is proposed for vacation will no longer constitute a public service easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public sanitary sewer easement located behind 319 6<sup>th</sup> Street on APN 103-009-006 in the City of Modesto, which is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, be and is hereby vacated.

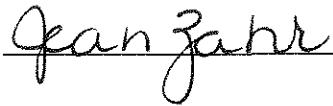
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder's Office. From and after the date this resolution is recorded, said public sanitary service easement shall no longer constitute a public service easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2003, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

  
\_\_\_\_\_


ATTEST:

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By   
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

Wife, as joint tenants

Exhibit A

10 05

the following described real property in the County of Stanislaus, State of California:

All those portions or Lots 29 and 30 Block "W" of the CITY OF MODESTO, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942 in Volume 15 of Maps, lying Easterly of the following described line:

BEGINNING at a point on the Northerly line of Block 306, as said Block is shown on said Map of the City of Modesto, distant thereon North 88° 21' 41" East, 64.67 feet from the Northwest corner of said Block 306; thence (1) North 13° 37' 14" West, 188.93 feet; thence (2) North 15° 32' 26" West 58.44 feet to the Northwest corner of said Block "W", distant thereon South 46° 30' 30" West, 114.89 feet from the most Northerly corner of said Block "W".

Subject to covenants, conditions, restrictions, reservations, easements and zoning existing and/or of record, and subject to any facts an accurate survey may reveal. Grantor DOES NOT WARRANT availability of streets or utilities or the cost of installation thereof, nor zoning, buildability or any other restrictions which may be imposed by any governmental entity. Excepting therefrom certain subsurface mineral rights of record, but without right to surface entry.

Dated February 17, 1985

Interstate Holdings, Inc.

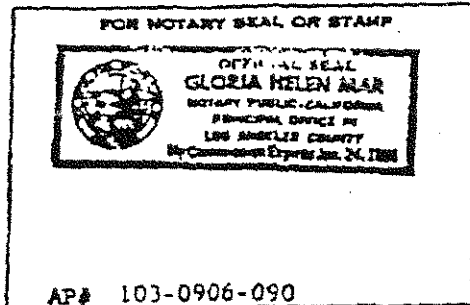
STATE OF CALIFORNIA }  
COUNTY OF Los Angeles } ss.  
On February 17, 1985 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared P. Bogart

*[Signature]*  
by P. Bogart, Sec'y

SEAL IMPRINTED

I know to me to be Secretary of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by laws or a resolution of its board of directors.

*[Signature]*  
Signature of Notary



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City & State  
L-3 (C 5) Rev (10-75) (B 64)

49202 (C) 10 01

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-055**

**A RESOLUTION AUTHORIZING STAFF TO REIMBURSE PROPERTY OWNERS OR THEIR SUCCESSORS FOR THE OUTSTANDING AMOUNTS DUE FOR RIGHT-OF-WAY DEDICATED FOR PELANDALE AVENUE IN ADVANCE OF THE SEPTEMBER 1, 2006 DEADLINE IN THE REIMBURSEMENT AGREEMENTS AUTHORIZED BY RESOLUTION 2001-599**

WHEREAS, on October 21, 1997, Council adopted Resolution No. 97-591 approving the Pelandale-Snyder Financing Strategy and Facilities Master Plan, and

WHEREAS, the Pelandale-Snyder Financing Strategy and Facilities Master Plan included provisions for reimbursement to the original dedicating property owners for thirty feet of the right-of-way dedicated for the Pelandale Avenue Expressway and ten feet of the Prescott Road right-of-way, and

WHEREAS, there are a total of 14 parcels and 11 property owners involved in the reimbursement, and

WHEREAS, the original dedicating property owners received the same form of the agreement modified to reflect the owner's amount of right-of-way dedication that is eligible for reimbursement and the amount of said reimbursement, and

WHEREAS, on November 20, 2001, the City Council adopted Resolution 2001-599 approving agreements to reimburse property owners for dedication of rights-of-ways for the Pelandale Avenue Expressway, and

WHEREAS, the Pelandale-Snyder Specific Plan area is nearly fully developed, and

WHEREAS, the Pelandale-Snyder Financing Strategy and Facilities Master Plan estimated the amount of CFF funds to be set aside for each dwelling unit such that the reimbursements would be paid in full once the area was fully developed, and

WHEREAS, the amount of the set-aside was estimated too low, and

WHEREAS, approximately one third of the total amount due the property owners is still outstanding, and

WHEREAS, sufficient funds are available in the CFF Streets fund reserves to pay all outstanding amounts due to the property owners,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to reimburse property owners or their successors for the outstanding amounts due for right-of-way dedicated for Pelandale Avenue in advance of the September 1, 2006, deadline in the reimbursement agreements authorized by Resolution 2001-599.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-056**

**A RESOLUTION AMENDING THE FY03-04 CAPITAL IMPROVEMENT  
BUDGET TO APPROPRIATE \$125,000.00 FROM STREETS CFF RESERVES  
1410-800-8000-8003 TO 1410-430-N004-6030 FOR THE ACCOUNT TITLED  
“PELANDALE – SNYDER RIGHT-OF-WAY REIMBURSEMENTS”**

WHEREAS, on November 20, 2001, the City Council approved agreements to reimburse property owners for dedication of rights-of-ways for the Pelandale Avenue Expressway, and

WHEREAS, on November 20, 2001, City Council appropriated \$450,000.00 to partially fund the reimbursements, and

WHEREAS, it was anticipated that additional funds would need to be appropriated to fund the \$538,265.00 in reimbursements and interest due under the terms of the agreements, and

WHEREAS, staff estimates that an additional \$125,000.00 is needed to cover the outstanding reimbursements and interest due, and

WHEREAS, the CFF Streets Reserve Fund has sufficient funds to cover the additional amount of \$125,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Capital Improvement Budget to appropriate \$125,000.00 from CFF Streets Reserve Fund 1410-800-8000-8003 to 1410-430-N004-6030, “Pelandale Snyder Right of Way Reimbursements.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-057**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
ISSUE A REQUEST FOR BIDS (RFB) FOR CONCRETE BOXES AND COVERS,  
AND CAST IRON COVERS AND FRAMES FOR AN ESTIMATED ANNUAL  
COST OF \$75,000.00**

WHEREAS, the Central Stores Division of the Finance Department has requested the purchase of concrete boxes and covers, and cast iron covers and frames, and

WHEREAS, the Central Stores Division is responsible for maintaining inventory for concrete boxes and covers, and cast iron covers and frames (See Exhibit D) used by all City departments for City projects, and

WHEREAS, concrete boxes and covers, and cast iron covers and frames are used in several applications related to Water Division activities, and

WHEREAS, they allow access to valve connections that move water from the street main to a house, and

WHEREAS, by soliciting competitive bids for concrete boxes and covers, and cast iron covers and frames, the Finance Department-Purchasing Division will comply with Modesto Municipal Code Section 8-3.203, formal bid procedures, while obtaining the lowest possible pricing for the city,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for concrete boxes and covers, and cast iron covers and frames to be opened in the office of the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto. The City Clerk

shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

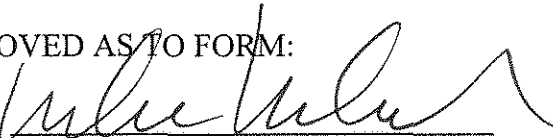
ABSENT: Councilmembers:None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-058**

**A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$16,147.00 TO FUND THE COMMUNITY EMERGENCY RESPONSE TEAM "CERT" PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE GOVERNOR'S OFFICE OF SERVICE AND VOLUNTEERISM FOR \$16,147.00 IN GRANT FUNDS.**

WHEREAS, the grant application for Modesto for the Community Emergency Response Team (CERT) was approved by the Governor's Office of Service and Volunteerism in the amount of \$16,147.00, and

WHEREAS, the funds are available to support expansion of CERT, and

WHEREAS, the CERT mission is to make communities safer, stronger and better prepared to respond to threats of terrorism, public health issues, and disasters of all kinds by engaging individuals in emergency preparedness and response education, training, and volunteer service, and

WHEREAS, the CERT program more specifically trains individual citizens in emergency response skills, and

WHEREAS, the purpose of the program is to have all citizens better prepared to respond to disasters of all kinds and a nation prepared to respond to emergencies, and

WHEREAS, the City desires to provide CERT training which will consist of both classroom and hands-on instruction to citizens in the community, and

WHEREAS, the Council on October 28, 2003, adopted Resolution No. 2003-572 approving submittal of the application for the CERT grant, and

WHEREAS, the City is required to enter into a contract with the Governor's Office on Service and Volunteerism for the \$16,147.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a grant for \$16,147.00 from the Governor's Office of Service and Volunteerism to fund the CERT program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager, or his designee, as the agent of the City, to execute and submit all documents which may be necessary for the completion of the grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers:None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-059**

**A RESOLUTION AMENDING THE FY 2003-04 ANNUAL BUDGET TO  
ESTIMATE REVENUE OF \$16,147.00 AND APPROPRIATE FUNDS FOR THE  
“CERT” PROGRAM.**

WHEREAS, the Governor’s Office of Service and Volunteerism has notified the City of Modesto of acceptance of its grant application for Community Emergency Response Teams (CERT) in the amount of \$16,147.00, and

WHEREAS, said funding will provide necessary training to the public in emergency response skills and disaster preparedness,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the FY 2003-04 Annual Budget is hereby amended to recognize additional revenue and appropriations of \$16,147.00 as follows:

Funds Provided From		
	Account Number	Account Name
Total Est. Cost: \$16,147.00	0410-180-1853-3550	Community Emergency Response Team (CERT)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

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

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-060**

**A RESOLUTION DECLARING AS SURPLUS FORTY-FIVE (45) USED MATTRESSES AND APPROVING THE DONATION OF THE FORTY-FIVE (45) USED MATTRESSES FROM THE MODESTO FIRE DEPARTMENT TO THE COALITION ON HOMELESSNESS AND POVERTY OF STANISLAUS COUNTY TO BE USED AT THE EMERGENCY SHELTER AT 320 9<sup>TH</sup> STREET.**

WHEREAS, the Modesto Fire Department will be taking delivery on 45 new mattresses at the end of January 2004, and

WHEREAS, upon delivery of the new mattresses the Fire Department will have 45 used mattresses to dispose of, and

WHEREAS, normal disposal of the mattresses are through the retailer or disposal at the county landfill, and

WHEREAS, the Coalition on Homelessness and Poverty of Stanislaus County assists the emergency shelter at 320 9<sup>th</sup> Street, and

WHEREAS, the Coalition has a need for mattresses at the shelter, and

WHEREAS, the City desires to assist the Coalition by donating the used mattresses for use at the emergency shelter at 320 9<sup>th</sup> Street

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby declares as surplus the forty-five (45) mattresses and approves the donation of the forty-five (45) used mattresses to the Coalition on Homelessness and Poverty.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-061**

**RESOLUTION AUTHORIZING STAFF TO PARTICIPATE IN THE DEVELOPMENT OF GROUNDWATER MANAGEMENT PLANS AND AUTHORIZING THE INITIAL EXPENDITURE OF CURRENTLY BUDGETED FUNDS FOR THE DEVELOPMENT OF GROUNDWATER MANAGEMENT PLANS FOR BOTH OF THE TWO GROUNDWATER SUB-BASINS UNDERLYING THE CITY OF MODESTO, SPECIFICALLY, \$50,000 FOR WORK RELATED TO THE MODESTO GROUNDWATER SUB-BASIN AND \$50,000 FOR WORK RELATED TO THE TURLOCK GROUNDWATER SUB-BASIN**

WHEREAS, the City of Modesto overlies two groundwater basins and is currently participating in two groundwater associations, the Stanislaus and Tuolumne Rivers' Groundwater Basin Association (STRGBA) and the Turlock Groundwater Basin Association (TGBA), to discuss groundwater issues within these respective basins, and

WHEREAS, the City of Modesto receives approximately 60% of its annual water supply from groundwater wells located throughout the City and has experienced a decline in groundwater quality at a number of well sites, which has resulted in those wells being taken out of service, and

WHEREAS, the California Legislature passed Assembly Bill (AB) 3030, which is designed to provide local public agencies increased management authority over their groundwater resources through the adoption of a Groundwater Management Plan (GMP), and

WHEREAS, Senate Bill (SB) 1938 expanded AB 3030 by requiring GMP's to include certain specific components in order to be eligible for grant funding for various types of groundwater related projects administered by the California Department of Water Resources (DWR), and

WHEREAS, both Groundwater Basin Associations are considering developing GMP's for the respective basins, according to the requirements of AB 3030 and SB 1938, in order to be eligible for the DWR groundwater grants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to continue working with both the STRGBA and the TGBA to develop City-wide Groundwater Management Plans.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the initial expenditure of currently budgeted funds for the development of groundwater management plans for both of the two groundwater sub-basins underlying the City of Modesto, specifically \$50,000 for work related to the Modesto Groundwater sub-basin and \$50,000 for work related to the Turlock Groundwater sub-basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

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

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-062**

**A RESOLUTION AUTHORIZING CITY STAFF TO APPLY FOR VARIOUS  
GROUNDWATER BASIN MANAGEMENT GRANTS THROUGH THE  
BALANCE OF THE CURRENT 2003/04 FISCAL YEAR AND THROUGH THE  
UPCOMING 2004/05 FISCAL YEAR, AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE APPLICATIONS RELATED TO SUCH GRANTS ON  
BEHALF OF THE CITY**

WHEREAS, the City of Modesto receives approximately 60% of its annual water supply from groundwater wells located throughout the City and has experienced a decline in groundwater quality at a number of well sites, which has resulted in those wells being taken out of service, and

WHEREAS, the City of Modesto overlies two groundwater basins, the Modesto Groundwater Sub-basin (MGB) and the Turlock Groundwater Sub-basin (TGB), and

WHEREAS, the Local Groundwater Management Assistance Act of 2000 (California Water Code Section 10795 *et seq.*) was enacted to allow the Department of Water Resources (DWR) to administer grants to local agencies to conduct groundwater monitoring and studies, and

WHEREAS, City Staff has identified groundwater studies that are eligible for state grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City Staff to apply for DWR groundwater basin management grants.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized and directed to execute any applications for such grants.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers:None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION No. 2004-063**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE WHISPERING WOODS HOMEOWNERS ASSOCIATION WHEREBY THE CITY FORGOES COLLECTION OF \$137,953 IN CODE ENFORCEMENT COSTS.**

WHEREAS, from 1999 through 2003, the City aggressively pursued enforcement of City codes in the crime ridden, high-density fourplex neighborhood known as Prescott Estates, and

WHEREAS, code violations were extensive and included unsafe and/or unsanitary living conditions in most of the units, which ultimately resulted in the required vacation of almost all of the 312 units, and

WHEREAS, the majority of the private dwelling units were ultimately boarded up by private contractors hired by the City at a cost totaling \$117,824, and

WHEREAS, costs incurred by the City in this board up effort were billed to the Homeowners Association, and

WHEREAS, Apartment Renovation Group, Inc. (RPM) the management company for the new owners of the properties boarded up the remainder of the units at their expense, and

WHEREAS, because the rockwell drainage was not functioning properly at the site and the City staff were concerned for the safety of children who were playing in the ponding water, as well as potential adverse impacts to the City rockwell system from Prescott Estates, these private rockwells were sealed by the court appointed Receiver as a safety precaution, and

WHEREAS, costs incurred by the City in sampling, testing, and analyzing of these private wells totaled \$79,041, and

WHEREAS, cost for both the board-up of the buildings (\$117,824) and the rockwell work (\$79,041) totaled \$196,865 due from RPM to the City of Modesto, and

WHEREAS, the rockwell work costs pre-existed the RPM ownership who had to incur additional costs to rejuvenate the private rockwells after they took over the complex, and

WHEREAS, the new ownership group is saving the City significant dollars in law enforcement costs by virtue of the best practices management of the property, thus significantly reducing calls for emergency service, and

WHEREAS, these two unpaid obligations (board-up work and rockwell rejuvenation) totaling \$196,865 are a significant burden on the new ownership group and would result in higher rents to City of Modesto residents renting in the complex, and

WHEREAS, the new Whispering Woods Homeowners Association has paid off the other pre-2001 loans owed by the Prescott Estates Homeowners Association including rental rehabilitation grants on ten of the units and a \$150,000 roof loan, and

WHEREAS, on December 23, 2003, the City received a written request from Whispering Woods Homeowners Association asking for the City's forbearance on two invoices; one for work on pre-existing rockwell problems, and the second for costs associated with the board-up work done on the property,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby approves a settlement agreement with Whispering Woods Homeowners Association in which the City foregoes collection of the rockwell work, and

the cost of the board-up work is shared equally between the City and the Whispering Woods Homeowners Association. The City Manager is authorized and directed to execute the settlement agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-064**

**A RESOLUTION APPROVING THE DESIGN AND PLANS FOR FIRE  
STATION NO. 11 LOCATED AT THE SOUTHWEST CORNER OF  
PELANDALE AVENUE AND CARVER ROAD.**

WHEREAS, there has been rapid growth in the northwest portion of the city, and

WHEREAS, the City wishes to maintain an effective emergency response system,

and

WHEREAS, Resolution No. 2002-241 was adopted on May 14, 2002, authorizing the City Manager to execute the agreement with RRM Design Group to provide architectural services for the design of Fire Station No. 11, and

WHEREAS, the RRM Design Group has developed the design and plans for Fire Station No. 11, and

WHEREAS, City staff has reviewed the design and plans for Fire Station No. 11,

and

WHEREAS, the Safety and Communities Committee met on January 6, 2003, to review the design, and supported it,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves RRM Design Group's design and plans for Fire Station No. 11.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

Attest: Jean Fahr  
JEAN FAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-065**

**A RESOLUTION AUTHORIZING A REQUEST FOR BIDS FOR THE  
CONSTRUCTION OF FIRE STATION NO. 11 LOCATED AT THE SOUTHWEST  
CORNER OF PELANDALE AVENUE AND CARVER ROAD.**

WHEREAS, there has been rapid growth in the northwest portion of the city, and

WHEREAS, the City wishes to maintain an effective emergency response system,

and

WHEREAS, Resolution No. 2002-241 was adopted on May 14, 2002, authorizing the City Manager to execute an agreement with RRM Design Group to provide architectural services for the design of Fire Station No. 11, and

WHEREAS, the RRM Design Group has developed the design and plans for Fire Station No. 11, and

WHEREAS, City staff has reviewed the design and plans for Fire Station No. 11, and

WHEREAS, the Safety and Communities Committee met on January 6, 2003, to review the design, and supported it, and

WHEREAS, on January 27, 2004, by Resolution No. 2004-064, the City Council approved RRM Design Group's design and plans for Fire Station No. 11,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a Request for Bids for construction of Fire Station No. 11 located at the Southwest corner of Pelandale Avenue and Carver Road,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of January, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-066**

**A RESOLUTION APPOINTING THERESA HICKERSON AND GREG  
COLEMAN TO THE PUBLIC EVENTS COMMISSION**

WHEREAS, on June 25, 2002, the Mayor and each Councilmember appointed one member to the Public Events Commission, and

WHEREAS, the newly elected members of the Council have been asked to make appointments to the Public Events Commission, and

WHEREAS, Mayor Ridenour has nominated THERESA HICKERSON to serve as a member of the Public Events Commission,

WHEREAS, Councilmember Marsh has nominated GREG COLEMAN to serve as a member of the Public Events Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints THERESA HICKERSON and GREG COLEMAN to the Public Events Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-067**

**A RESOLUTION REAPPOINTING ERNIE FOOTE AND NEAL KHATRI TO  
THE PUBLIC EVENTS COMMISSION**

WHEREAS, on June 25, 2002, the Mayor and each Councilmember appointed one member to the Public Events Commission, and

WHEREAS, the newly elected members of the Council have been asked to make appointments to the Public Events Commission, and

WHEREAS, Councilmember Dunbar has nominated ERNIE FOOTE to serve as a member of the Public Events Commission,

WHEREAS, Councilmember Hawn has nominated NEAL KHATRI to serve as a member of the Public Events Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints ERNIE FOOTE and NEAL KHATRI to the Public Events Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-68**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
LOUIS LEVIN FROM THE PLANNING COMMISSION**

WHEREAS, Louis Levin was confirmed a member of the Planning Commission on November 25, 2003, and

WHEREAS, Louis Levin has tendered his resignation from the aforementioned committee, and

WHEREAS, Louis Levin has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Louis Levin from the Planning Commission hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Louis Levin for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 069**

**A RESOLUTION APPROVING AN INVESTMENT SERVICES AGREEMENT  
BETWEEN THE FIRM OF PUBLIC FINANCIAL MANAGEMENT, INC. AND  
THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE AGREEMENT**

WHEREAS, City has determined that it is desirable to hire an investment services advisor to provide investment management, research and supervision of the City's Managed Funds, and

WHEREAS, a Request for Proposals for Investment Advisory Services was issued on September 11, 2003, and

WHEREAS, City staff reviewed the responses and the firms were scored based upon specific criteria and the two highest scoring firms were recommended to the City Manager, and

WHEREAS, the City desires to retain the firm of Public Financial Management, Inc. to provide said investment advisory services and the City has determined that said firm is experienced and qualified to provide these services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Investment Advisory Services Agreement between the firm of Public Financial Management, Inc. and the City of Modesto be, and is hereby, approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -070**

**A RESOLUTION APPROVING A FINANCIAL ADVISORY SERVICES  
AGREEMENT BETWEEN THE FIRM OF PUBLIC FINANCIAL  
MANAGEMENT, INC. AND THE CITY OF MODESTO AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, from time to time developers and property owners file with the City petitions requesting the formation of a community facilities district and the issuance of bonds to provide financing for public infrastructure which is necessary to serve new development, and

WHEREAS, City has determined that it is desirable and appropriate to hire a financial advisor to assist and advise City with respect to formation and administration of City's bonded community facilities districts and the issuance of said bonds, and to assist and advise City on other projects as requested by the City on an as needed basis, and

WHEREAS, the City desires to retain the firm of Public Financial Management, Inc. to provide said financial advisory services and the City has determined that said firm is experienced and qualified to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Financial Advisory Services Agreement between the firm of Public Financial Management, Inc. and the City of Modesto be, and is hereby, approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-071**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM  
RIDENOUR TO THE STANISLAUS COUNTY ECONOMIC DEVELOPMENT  
AND WORKFORCE ALLIANCE**

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

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

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

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

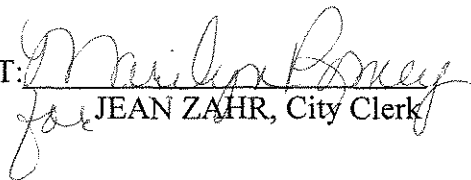
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR is hereby appointed as the City Council representative to the Stanislaus County Economic Development and Workforce Alliance Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

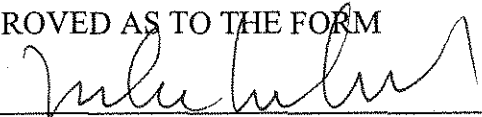
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-072**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER DENNY JACKMAN TO THE CITIZENS ADVISORY  
COMMITTEE ON RECYCLING**

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-073**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER  
JANICE KEATING TO THE HOUSING REHABILITATION LOAN COMMITTEE**

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

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

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

WHEREAS, the Council has four newly elected members and new appointments to these committees are needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember JANICE KEATING is hereby appointed as the City Council representative to the Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Jean Zahr*  
JEAN ZAHR, City Clerk  
*for*

APPROVED AS TO FORM

By: *Michael D. Milich*  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-074**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM  
RIDENOUR AND COUNCILMEMBER WILL O'BRYANT TO THE CITIZENS  
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**

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

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

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

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

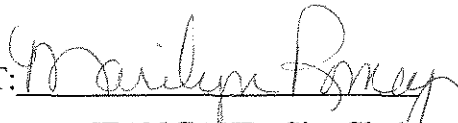
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR and Councilmember WILL O'BRYANT are hereby appointed as the City Council representatives to the Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

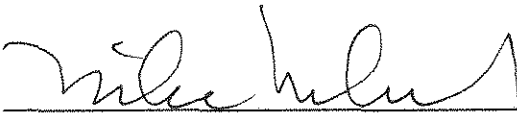
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-075**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER BOB DUNBAR TO THE CITIES-COUNTY COMMITTEE**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BOB DUNBAR is hereby appointed as the City Council representative to the Cities-County Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:


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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-076**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR,  
COUNCILMEMBER WILL O'BRYANT, COUNCILMEMBER JANICE KEATING,  
CITY MANAGER JACK CRIST AND CITY ATTORNEY MIKE MILICH TO THE  
CITY/COUNTY LIAISON COMMITTEE**

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

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

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

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

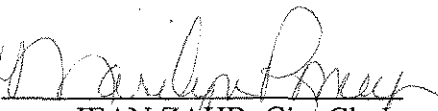
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR, Councilmember WILL O'BRYANT, Councilmember JANICE KEATING, City Manager JACK CRIST and City Attorney MIKE MILICH are hereby appointed as the City Council representatives to the City/County Liaison Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-077**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER WILL O'BRYANT AND COUNCILMEMBER BRAD  
HAWN AS ALTERNATE TO THE ECONOMIC DEVELOPMENT ACTION  
COMMITTEE**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT and Councilmember BRAD HAWN as alternate are hereby appointed as the City Council representatives to the Economic Development Action Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-078**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER WILL O'BRYANT AND MAYOR JIM RIDENOUR AS  
ALTERNATE TO THE JPA GOVERNING BOARD FOR THE EMERGENCY  
DISPATCH CENTER**

WHEREAS, on March 19, 1999, Council approved an Emergency Dispatch renovation agreement to remodel, furnish, and equip the City/County building at 3705 Oakdale Road and approved a Joint Exercise of Powers Agreement with Stanislaus County for shared operation of the Emergency Dispatch Center effective September, 1999.

WHEREAS, the JPA Agreement calls for the creation of a governing board of seven members: three County, three City of Modesto and one member appointed by the six members of the JPA Governing Board.

WHEREAS, as the Council has four newly elected members and new appointments to the various committees are needed,

NOW, THEREFORE, be it resolved, that Councilmember WILL O'BRYANT is appointed as the City Council representative and Mayor JIM RIDENOUR as the alternate to the Emergency Dispatch JPA.

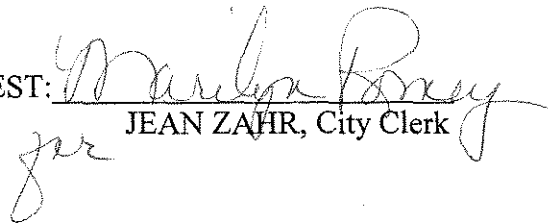
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:



MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-079**

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

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

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

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

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


NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN and Councilmember WILL O'BRYANT and JOCELYN REED as alternates are hereby appointed the City Council representatives to the Integrated Waste Management Local Task Force Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

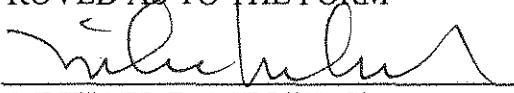
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-080**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER DENNY JACKMAN TO THE INTER-REGIONAL  
PARTNERSHIP BOARD**

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

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

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

WHEREAS, the Council has received four newly elected members and appointments to these committees are needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the Inter-Regional Partnership Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-081**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER DENNY JACKMAN TO THE LEAGUE OF CALIFORNIA  
CITIES – CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE**

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

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

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

WHEREAS, the Council has four newly elected members and appointments to these various committees are needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the League of California Cities Central Valley Division Executive Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

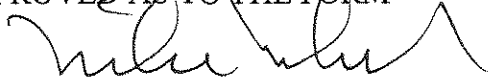
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-082**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR, COUNCILMEMBER BRAD HAWN, COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER DENNY JACKMAN TO THE MID DOMESTIC WATER POLICY BOARD**

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

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

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

WHEREAS, the Council has four newly elected members and appointments to these various committees is needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR, Councilmember BRAD HAWN, Councilmember JANICE KEATING, and Councilmember DENNY JACKMAN are hereby appointed as the City Council representatives to the MID Domestic Water Policy Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL**  
**RESOLUTION NO. 2004-083**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR, COUNCILMEMBER DENNY JACKMAN, COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER BOB DUNBAR AS ALTERNATE TO THE STANCOG POLICY BOARD**

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

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

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

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

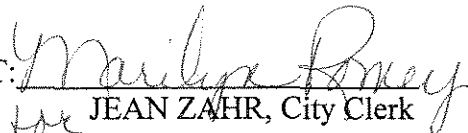
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR, Councilmember DENNY JACKMAN, Councilmember JANICE KEATING and Councilmember BOB DUNBAR as alternate are hereby appointed as the City Council representatives to the StanCOG Policy Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-084**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER JANICE KEATING TO THE STANISLAUS COUNTY  
WATER COORDINATING ADVISORY COMMITTEE**

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

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

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

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


NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember JANICE KEATING is hereby appointed as the City Council representative to the Stanislaus County Water Coordinating Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

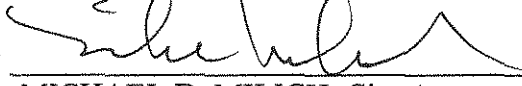
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-085**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER BRAD HAWN AND COUNCILMEMBER GARRAD  
MARSH TO THE JPA GOVERNING BOARD FOR TENTH STREET PLACE**

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

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

WHEREAS, the Tenth Street Place JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

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

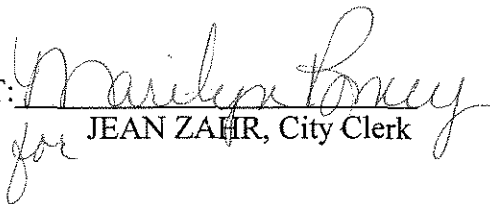
NOW, THEREFORE, be it resolved, that Councilmember BRAD HAWN and Councilmember GARRAD MARSH are appointed as the City Council representatives to the Tenth Street Place Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHIR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-086**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR AND COUNCILMEMBER DENNY JACKMAN TO THE JPA GOVERNING BOARD FOR THE TUOLUMNE RIVER REGIONAL PARK**

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

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

WHEREAS, the Tuolumne River Regional Park JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

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

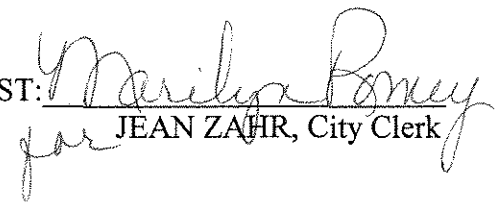
NOW, THEREFORE, be it resolved, that Mayor JIM RIDENOUR and Councilmember DENNY JACKMAN are appointed as the City Council representatives to the Tuolumne River Regional Park Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHIR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-087**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER BRAD  
HAWN AND COUNCILMEMBER GARRAD MARSH AS ALTERNATE TO THE  
JPA GOVERNING BOARD FOR THE WASTE TO ENERGY**

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

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

WHEREAS, the Waste to Energy JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

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

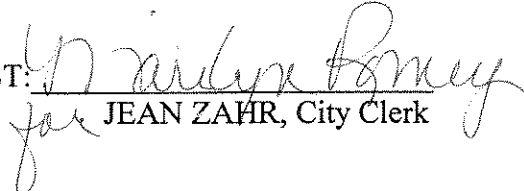
NOW, THEREFORE, be it resolved, that Councilmember JANICE KEATING and Councilmember BRAD HAWN are appointed as the City Council representatives and Councilmember GARRAD MARSH as alternate to the Waste to Energy Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 089**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL  
BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Budget Adjustments for the Month of January 2004**

	e Type of									
n #	Account	Description	Fund	Agcy	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)

<b><u>Engineering &amp; Transportation</u></b>										
#1										
			From:							
Appropriation	General Fund Reserves		0100	800	8000	8003	0100r	-\$1,396,160	-\$40,899	-\$1,437,059
			To:							
Appropriation	Salary Adjustment		0100	420	4213	0181	4200a	-\$29,296	\$31,096	\$1,800
			0100	420	4213	0191	4200a	-7,803	9,803	\$2,000
Justification	This adjustment is to restore funding to an Assistant Civil Engineer in the Development Review and Permits Section. The position was part of the add backs that the Council recommended for E&T during the budget hearings. This adjustment will put the funding back to the position that was recently filled.									

#2	Revenues	FAA Grant AIP #24	To:							
		Match Grant	6320	440	M275	3613	M275		503,900	503,900
			6320	440	M275	4405	M275		55,988	55,988
			To:							
Appropriation	Increase Budget to Match		6320	440	M275	6040	M275	556,000	3,888	559,888
			6320	800	8000	8003	6320R		556,000	556,000
Justification	This adjustment allows us to book the mid-year revenue and match for better tracking and reimbursement purposes. Adjustment being made to the construction object line reflects an increase in budget to match the amount of the grant.									

#3	Revenue	FAA Grant AIP #26 and #27 City Match	To:							
			6320	440	N561	3613	N561		335,000	335,000
			From:							
Appropriations	County Aircraft Revenue Reserve		6330	800	8000	8003	6330r		-\$37,221	-\$37,221
	Services: City Forces		6320	440	N561	6010	N561	\$100,000	-\$5,556	\$94,444
			To:							
Appropriations	Construction increased to match AIP27		6320	440	N561	6040	N561		\$277,777	\$277,777
	Airport CIP Fund Contingency Reserve		6320	800	8000	8003	6320r		\$100,000	\$100,000
			From:							
Transfer	City Match for AIP#26 & #27 Using Aircraft Tax		6330	700	N561	7632	6330G		\$37,221	\$37,221
			To:							
			6320	700	N561	9633			\$37,221	\$37,221
Justification	This adjustment is a cleanup of Airport CIP N561 - Security ID Display and will allow the revenues to be placed in the mid-year revenue so that they will roll with the project until completion. This allows for better tracking of reimbursements and expenses. Also being done is to recognize AIP27 FAA grant of \$250,000 and increasing the project budget to reflect increase in funding. The match for AIP26&27 will be Aircraft Tax. Also, an adjustment for design is being made to reflect the actual									

**Budget Adjustments for the Month of January 2004**

e Type of m # Account	Description	Fund	Agcy	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
#4 Appropriations	Aircraft Tax Reserve								
		From:							
		6330	800	8000	8003	6330r		-44,444	(44,444)
	Decrease budget to match	6320	440	N559	6010	N559	\$353,000	-\$556	\$352,444
		To:							
Appropriations	Airport CIP Fund Contingency Reserve	6320	800	8000	8003	6320r		\$45,000	\$45,000
		From:							
Transfer	Aircraft tax to cover match	6330	700	N559	7632	6330g		\$44,444	\$44,444
		To:							
Transfer	Aircraft tax to cover match	6320	700	N559	9633			\$44,444	\$44,444
Justification	This adjustment to N559 - Emergency Airfield Generator, allows us to book the mid-year revenue and match for better tracking and reimbursement purposes.								

#5 Appropriations	Aircraft Tax Reserve								
		From:							
		6330	800	8000	8003	6330r	(44,444)	-29,000	(73,444)
		To:							
Appropriations	Contingency Reserve	6320	800	8000	8003	6320r		\$29,000	\$29,000
		From:							
Transfer	Aircraft tax to cover match	6330	700	N127	7632	6330g		\$29,000	\$29,000
		To:							
Transfer	Aircraft tax to cover match	6320	700	N127	9633			\$29,000	\$29,000
Justification	This adjustment to N127 (Perimeter Access Road) allows us to book the mid-year revenue and match for better tracking and reimbursement purposes.								

#6 Revenues	FAA Grant AIP-25								
		To:							
		6320	160	M254	3613			\$270,000	\$270,000
		6320	160	M254	4405			\$30,000	\$30,000
		From:							
Appropriations	Reduce Budget	6320	160	M254	6081	M254	\$305,084	-\$5,084	\$300,000
		To:							
Appropriations	Airport Operating Reserve	6310	800	8000	8003	6310R	-\$66,317	\$305,084	\$238,767
Justification	This adjustment to M254 (Master Plan) allows us to book the mid-year revenue and match for better tracking and reimbursement purposes. The reduction of object 608 is to correct a prior budget adjustment (BT085) made in error.								

**Budget Adjustments for the Month of January 2004**

e n #	Type of Account	Description	Fund	Agcy	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)	
						To:					
#7	Revenues	FAA Grant AIP-28	6320	440	Q143	3613			\$330,000	\$330,000	
						From:					
	Appropriations	Aircraft Tax Reserve	6330	800	8000	8003	6330r		-\$25,555	-\$25,555	
		Decrease construction to match revenue	6320	440	Q143	6040	Q143	\$357,000	-\$94,445	\$262,555	
						To:					
	Appropriations	Airport Operating Reserve	6320	800	8000	8003	6320r		\$450,000	\$450,000	
						From:					
	Transfer	FAA Match AIP-28	6330	700	Q143	7632	6330g		\$25,555	\$25,555	
						To:					
	Transfer	FAA MatchAIP-28	6320	700	Q143	9633			\$25,555	\$25,555	
	Justification	This budget adjustment is to show the grant revenue for Project #Q143. The grant requires a 10% match. Since the Passenger Fees (PFC) are committed at this time, the City did not want to pass on the opportunity to receive an overall \$2.5 million grant. The match is available in Fund 6330.									

						To:					
#8	Revenues	FAA Grant AIP-28	6320	440	X219	3613			\$670,000	\$670,000	
						From:					
	Appropriations	Aircraft Tax Reserve	6330	800	8000	8003	6330r		-\$74,444	-\$74,444	
		Decrease construction to match revenue	6320	440	X219	6040	X219	\$627,000	-\$22,556	\$604,444	
						To:					
	Appropriations	Airport Operating Reserve	6320	800	8000	8003	6320r		\$767,000	\$767,000	
						From:					
	Transfer	Aircraft Tax as Match	6330	700	X219	7632	A208g		\$74,444	\$74,444	
						To:					
	Transfer	Aircraft Tax as Match	6320	700	X219	9633			\$74,444	\$74,444	
	Justification	This budget adjustment is to show the revenue received from the FAA grant AIP#28 and a 10% match is required. Since the Passenger Fees (PFC) are committed at this time, the City did not want to pass on the opportunity to receive a \$2.5 million grant, so it was decided that the General Fund would loan the Airport Fund the match. Once the adjustments are completed, this project will be renamed to A008 to signify this is a current project ("X" delineates future project).									

**Budget Adjustments for the Month of January 2004**

e m #	Type of Account	Description	Fund	Agcy	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)	
<u><b>CFD Administration - City Manager's Department</b></u>											
							To:				
#9	Appropriation	Contingency Reserve	0800	800	8000	8003	0800r		-\$10,000	-\$10,000	
							From:				
	Revenue	CFD Formation Fees	2600	020	0206	4048	26006c		\$10,000	\$10,000	
							From:				
	Transfer	Transfer out to Fund 2600	0800	700	7000	7260	0800g		\$10,000	\$10,000	
							To:				
	Transfer	Transfer from Fund 0800	2600	700	7000	9080			\$10,000	\$10,000	
	Justification	In 1997, JKB Homes posted a deposit of \$10,000 for annexation #2 to CFD #1996-1 (Village One). At that time, administration of the CFDs was being transferred to the City Attorney's office from CEDD. The \$10,000 deposit was inadvertently deposited into #080-140-1436-4058.15 rather than into the formation/annexation account for CFD #1996-1									
<u><b>Operations &amp; Maintenance Department</b></u>											
							From:				
#10	Appropriation	General Fund Reserves	0100	800	8000	8003	0100r		-\$34,399	-\$34,399	
							To:				
	Appropriations	Professional Services	0100	480	4522	0235	4800c	\$349,277	\$34,399	\$383,676	
	Justification	This budget adjustment is to reimburse Parks, Service and Maintenance for the design, installation and additional work of a beautification project authorized in 2001 by									
<u><b>Finance Department</b></u>											
							From:				
#11	Appropriation	Contingency Reserves	0100	800	8000	8003	0100r	(1,396,160)	-\$20,972	-\$1,417,132	
							To:				
	Appropriations	Professional Services	0100	120	1222	0235	1200c	\$137,800	\$20,972	\$158,772	
	Justification	On December 11, 2003, Council approved the use of General Fund Reserves to pay Vavrinek, Trine, Day and Co. LLP for additional work on CFD audits. This adjustment will authorize the Finance Department to amend the budget to appropriate funds from the General Fund Reserve to cover the payment to VTD.									

**Budget Adjustments for the Month of January 2004**

e	Type of					Object/	App	Current	Adjustment	Revised
n #	Account	Description	Fund	Agcy	Orgn	Revenue	Unit	Budget (\$)	Amount (\$)	Budget (\$)

<u>Police Department</u>											
			From:								
#12	Appropriation	Reserves - Special Fund for Capital Outlay	1300	800	8000	8003	1300r	2,100,000	-\$1,100,000	\$1,000,000	
			To:								
	Appropriations	Contingency	1300	190	J299	6050	J299		\$1,100,000	\$1,100,000	
	Justification	This adjustment in the amount of \$1,100,000 is to appropriate monies set-aside for anticipated costs related to a bond financed construction project.									

<u>Airport Operations</u>											
			From:								
#12	Appropriation	Aircraft Taxes	6330	800	8000	8003			-\$25,000	-\$25,000	
			To:								
	Appropriations	Services, Professional & Other	6310	440	5412	0235		\$9,485	\$25,000	\$34,485	
			From:								
	Transfer	Transfer out to Fund 6310	6330	700	5412	7631			\$25,000	\$25,000	
			To:								
	Transfer	Transfer from Fund 6330	6310	700	5412	9633			\$25,000	\$25,000	
	Justification	With the recent retirement of Airport Manager, Howard Cook, an amendment needs to be made to provide the necessary funding allowing the City Manager to enter into a contract with Ralph Anderson & Associates to conduct a nationwide recruitment for the position of Airport Manager. Once transferred, these funds will then be encumbered to a contract with Ralph Anderson & Associates for an amount not to exceed \$25,000.									

<u>Airport Operations</u>											
			From:								
#13	Appropriation	Aircraft Taxes	6310	800	8000	8003			-\$3,600	-\$3,600	
			To:								
	Appropriations	Services, Professional & Other	6310	440	5412	0235		\$9,485	\$2,500	\$11,985	
			6310	440	5412	5600		\$18,700	\$1,100	\$19,800	
	Justification	This budget adjustment is to appropriate additional funds into the operating budget to cover unanticipated expenses in the current year's budget. The \$2,500 is to cover expenses for Police Dept security services not covered by the Transportation Security Administration mandate. A transfer in the amount of \$1,100 is to cover the cost associated with the purchase of a roll-up door for one of the T-Hangar storage units in order to provide secure all-weather storage.									

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-090**

**A RESOLUTION AMENDING EXHIBIT "N" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, EFFECTIVE JULY 1, 2003" TO CHANGE THE SALARY RANGE FOR POLICE CHIEF AND FIRE CHIEF FROM RANGE 1425 TO RANGE 1427, EFFECTIVE FEBRUARY 10, 2004.**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to increase the Salary Range for Police Chief and Fire Chief from Range 1425 to Range 1427,

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

**SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330.**

Exhibit "N" entitled "City of Modesto Class Range Table, Executive Management Effective July 1, 2003," attached to Resolution No. 2003-330, is hereby amended as shown on the amended **Exhibit "N"** entitled, "City of Modesto Class Range Table Executive Management Effective February 10, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "N" changes the Salary Range for Police Chief and Fire Chief from Range 1425 to Range 1427.

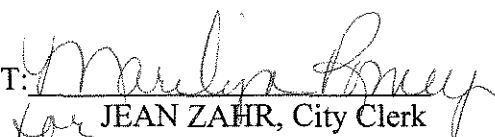
**SECTION 2. EFFECTIVE DATE.** This resolution shall become effective on and after February 10, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective February 10, 2004

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RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1419	
1420	Finance Director Operations and Maintenance Director Personnel Director Recreation and Neighborhoods Director
1421	
1422	Chief Information Officer Community Development Director
1423	Engineering and Transportation Director
1424	
1425	
1426	
1426	
1427	Deputy City Manager <b>Fire Chief</b> <b>Police Chief</b>
1428	City Attorney
1429 – 1432	
1433	City Manager

**EXHIBIT N**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-091**

**A RESOLUTION APPROVING THE TIMELINE FOR CITIZEN PARTICIPATION CALENDAR OF EVENTS FOR 2004-2005 HUD ANNUAL ACTION PLAN AND PUBLIC SERVICE GRANTS, AND ESTIMATED AMOUNTS FOR THE PUBLIC SERVICE GRANTS.**

WHEREAS, Federal Housing and Urban Development (HUD) regulations require the City of Modesto to have a Citizens' Participation Plan which contains the City's procedures for community participation in the development of the Annual Action Plan and the use of Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the City adopted and last amended its Citizen Participation Plan in October 1998, a copy of which is available for review at the Recreation and Neighborhood Services Division office at Tenth Street Place, and

WHEREAS, the proposed calendar for citizen participation includes Public Service grant applications for CDBG as well as ESG proposals, and

WHEREAS, staff anticipates the proposed allocation of \$150,000 of Public Service grants will be designated for the operation of allowable City programs, such as the Crime Free Multi Housing Project and recreation programs, and

WHEREAS, staff anticipates the proposed estimated RFP amounts for Public Service grants will be \$308,100 in CDBG funds and \$105,715 in ESG funds, and

WHEREAS, at its January 29, 2004, meeting, the Citizens Housing and Community Development Committee considered and supported staff recommendations for the timeline for the Citizen Participation Calendar of Events for 2004-2005 HUD Annual Action Plan and Public Service grants, and for the estimated RFP amounts for Public Service grants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for the Citizen Participation Calendar of Events for 2004-2005 HUD Annual Action Plan and Public Service grants, and for the estimated RFP amounts for Public Service grants, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:   
MICHAEL D. MILICH, City Attorney

City of Modesto  
Annual Action Plan  
FY 2004-2005  
*Citizen Participation Calendar of Events*

Exhibit A

Activity	Date	Time
CH&CDC Meeting to approve the draft timeline for Public Service Grants and Action Plan for 2004-2005/Citizen Participation Calendar of Events; Room 4104, Tenth Street Place	Jan 29, 2004	12:00 noon
City Council Meeting to approve the draft timeline for Public Service Grants and Annual Action Plan for 2004-2005/Citizen Participation Calendar of Events; Council Chambers, Tenth Street Place	Feb 3, 2004	5:30 p.m.
Application Period for Public Service Grants opens	Feb 2, 2004	8:00 a.m.
Staff Technical Assistance Workshop for ESG Public Service Grants, Room 4104, Tenth Street Place	Feb 10, 2004	9:00 a.m.
Staff Technical Assistance Workshop for CDBG Public Service Grants, Room 4104, Tenth Street Place	Feb 11, 2004	9:00 a.m.
Application Deadline for Funding Requests of Public Service Grants	Feb 27, 2004	5:00 p.m.
Analysis of Public Service Funding Requests by staff and Review Committee	Feb 28 to Mar 12, 2004	
Community meetings to obtain input on Annual Action Plan projects/activities: Tenth Street Place, Airport Neighbor's United, Chrysler School, and King-Kennedy Center	Mar 17, 18, 24, 25, 2004	6:00 p.m.
CH&CDC Meeting and public hearing to consider Requests for Funding of Public Service Applications, Room 2001, Tenth Street Place	Mar 26, 2004	12:00 noon
Public notice announcing availability of final draft of 2004-2005 Annual Action Plan for review and comments	Apr 9, 2004	
City Council Meeting to consider and approve Funding Recommendations for Public Service Applications, Council Chambers, Tenth Street Place	Apr 13, 2004	5:30 p.m.
CH&CDC Meeting to consider final draft of 2004-2005 Annual Action Plan, Room 4104, Tenth Street Place	Apr 23, 2004	12:00 noon
City Council Meeting and public hearing to consider and approve recommendations for the 2004-2005 Annual Action Plan, Council Chambers, Tenth Street Place	May 11, 2004	5:30 p.m.
Submission of 2004-2005 Annual Action Plan to HUD	May 28, 2004	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-092**

**A RESOLUTION APPOINTING WILLIAM GLICK TO THE CITIZENS  
ADVISORY COMMITTEE ON RECYCLING**

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of WILLIAM GLICK to the Citizens Advisory Committee on Recycling.

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

SECTION 1. WILLIAM GLICK is hereby appointed to the Citizens Advisory Committee on Recycling with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-093**

**A RESOLUTION APPOINTING JAYNA M. HAMEL AND RICHARD L. MENDOZA TO THE COMMUNITY QUALITIES FORUM**

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

WHEREAS, Councilmember Will O'Bryant has recommended JAYNA M. HAMEL as his selection to the Community Qualities Forum, and

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of RICHARD L. MENDOZA to the Community Qualities Forum.

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

SECTION 1. JAYNA M. HAMEL and RICHARD L. MENDOZA are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

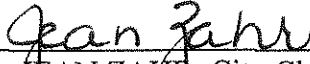
AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-094**

**A RESOLUTION APPOINTING VALORI A. LEE TO THE CULTURE  
COMMISSION**

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of VALORI A. LEE to the Culture Commission.

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

SECTION 1. VALORI A. LEE is hereby appointed to the Culture Commission with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: .

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-095**

**A RESOLUTION APPOINTING PHILIP S. ANSELMO JR. TO THE DISABLED  
ACCESS APPEALS BOARD**

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of PHILIP S. ANSELMO JR. to the Disabled Access Appeals Board.

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

SECTION 1. PHILIP S. ANSELMO JR. is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2008.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-096**

**A RESOLUTION APPOINTING CLARA AZEVEDO AND RYNE CONDER TO  
THE GOLF COURSES ADVISORY COMMITTEE**

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of CLARA AZEVEDO, representing the Muni Niners Golf Club, and RYNE CONDER, representing the Creekside Golf Club.

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

SECTION 1. CLARA AZEVEDO, representing Muni Niners Golf Club, and RYNE CONDER, representing the Creekside Golf Club, are hereby appointed to the Golf Courses Advisory Committee with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-097**

**A RESOLUTION APPOINTING DAVID K. HANNEKE AND SARETH PEN TO  
THE HUMAN RELATIONS COMMISSION**

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of DAVID K. HANNEKE and SARETH PEN to the Human Relations Commission.

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

SECTION 1. DAVID K. HANNEKE and SARETH PEN are hereby appointed to the Human Relations Commission with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Human Relations Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-098**

**A RESOLUTION AWARDING A \$190,700 CONTRACT TO O'DELL  
ENGINEERING, INC. FOR ENGINEERING DESIGN SERVICES FOR THE  
PROJECT TITLED "FLOYD AVE. ROAD IMPROVEMENT PROJECT FROM  
OAKDALE RD. TO ROSELLE AVE."**

WHEREAS, following a Request for Qualifications which was sent to all local engineering firms, six statements of qualifications were received for the Floyd Avenue Design and were submitted to the City, and

WHEREAS, a selection team decided all six firms were qualified to provide engineering design services, and

WHEREAS, the selection team decided that O'Dell Engineering, Inc., rated highest for the design of the Floyd Avenue Road Improvement Project, in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that O'Dell Engineering, Inc., be accepted as the most qualified engineering consulting firm for engineering design services for the "Floyd Ave. Road Improvement Project From Oakdale Rd. to Roselle Ave.", and

WHEREAS, the District Engineer has recommended accepting the proposal of O'Dell Engineering, Inc., in an amount not to exceed \$190,700.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract for engineering design services for the project titled "Floyd Ave. Road Improvement Project From Oakdale Rd. to Roselle Ave." to O'Dell Engineering, Inc., in an amount not to exceed \$190,700.00.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-099**

**A RESOLUTION AWARDING A \$197,139 CONTRACT TO STANTEC, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PROJECT TITLED “CARVER-BANGS/PELANDALE-SNYDER CFD NO. 1998-2 STORM DRAINAGE IMPROVEMENTS, EAST BASIN AND WEST BASIN PUMP STATIONS TO MID LATERAL NO. 6.”**

WHEREAS, following a Request for Qualifications which was sent to 100+ civil engineering firms including all local engineering firms, 13 statements of qualifications were received by the District, and

WHEREAS, a selection team unanimously decided that one engineering firm stood out amongst the 12 other firms and was best qualified to provide the necessary engineering design services, and

WHEREAS, the selection team determined that Stantec, Inc., rated highest in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that Stantec Inc., be accepted as the most qualified engineering consulting firm to provide engineering design services for the “Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 Storm Drainage Improvements, East Basin and West Basin Pump Stations to MID Lateral No. 6 Project”, and

WHEREAS, the District Engineer has recommended accepting the proposal of Stantec, Inc., in an amount not to exceed \$197,139.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract for engineering design services for the project titled “Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 Storm Drainage Improvements, East

Basin and West Basin Pump Stations to MID Lateral No. 6 Project.” to Stantec, Inc., in an amount not to exceed \$197,139.00.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-100**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF FRED  
HERMAN FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE  
FEBRUARY 24, 2004**

WHEREAS, FRED HERMAN was appointed a member of the Community  
Qualities Forum on May 8, 2001; and

WHEREAS, FRED HERMAN has tendered her resignation from the Community  
Qualities Forum, effective February 24, 2004; and

WHEREAS, FRED HERMAN has been a devoted and sincere public servant and  
has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of FRED  
HERMAN from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its  
own behalf, and on behalf of the citizens of this City, hereby expresses its sincere  
appreciation to FRED HERMAN for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

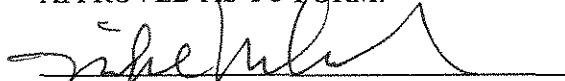
AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-101**

**A RESOLUTION ADOPTING REASONABLY AVAILABLE 2004 LOCAL  
GOVERNMENT TRANSPORTATION CONTROL MEASURES IN THE  
EXTREME OZONE ATTAINMENT DEMONSTRATION PLAN FOR THE SAN  
JOAQUIN VALLEY**

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California as the regional air quality planning agency in San Joaquin Valley, and

WHEREAS, the San Joaquin Valley non-attainment area was initially classified as a Severe Area for ozone according to the Clean Air Act, and

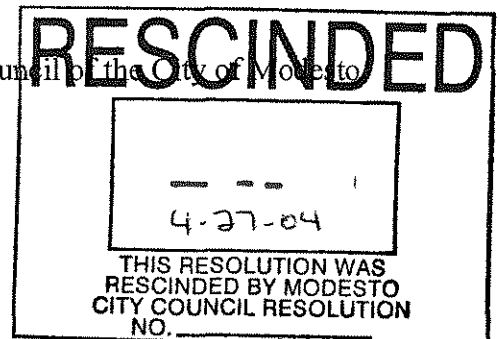
WHEREAS, on February 5, 2002, by Resolution Number 2002-43 the City adopted Modesto's Reasonably Available Transportation Control Measures (TCMs) which were included in the SJVAPCD Severe Area Ozone Plan, and

WHEREAS, the San Joaquin Valley Air Pollution Control District has reclassified the San Joaquin Valley as Extreme non-attainment for the one-hour ozone standard and is now developing an Extreme Ozone Attainment Demonstration Plan, and

WHEREAS, the Extreme Ozone Attainment Demonstration Plan is required to include Reasonably Available Control Measures from the City of Modesto, and

WHEREAS, the City of Modesto is required to make a new commitment recognizing the Extreme status by implementing updated Reasonably Available Control Measures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds, determines, and orders as follows:



1. That the Council of the City of Modesto agrees to proceed with a good faith effort to implement the Transportation Control Measures (TCMs) identified in **Exhibit A** which is part of this resolution; and
2. That the Council of the City of Modesto commits to implement the TCMs as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City of Modesto agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

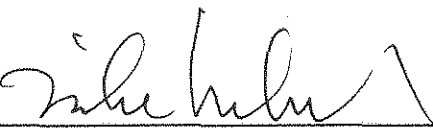
AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
JEAN ZAIR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

## EXHIBIT A

### Explanations for Commitment to the 2004 Control Measures

#### **Measure Title: ST 1.1: Regional Express Bus Program**

**Measure Description:** Purchase of buses to operate regional express bus services.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Existing. Continuation of existing service dependent upon continued availability of revenue from federal and state sources and continued level of existing demand for service. Evaluation of service expansion contingent upon availability of full capital and operating funding from State and Federal sources specifically earmarked for public transit service.

**Funding Allocated to Measure and Source:** Service expansion contingent upon availability of funding from State and Federal sources specifically earmarked for public transit service. Potential funding sources include: Congestion Mitigation and Air Quality, Local Transportation Funds and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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#### **Measure Title: ST 1.2: Transit Access to Airports**

**Measure Description:** Operation of transit to regional airports to serve air passengers.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Existing. Continuation of service dependent upon continuation of existing level of state and federal transit revenue and in rider demand.

**Funding Allocated to Measure and Source:** Continuation of service dependent upon continuation of existing level of state and federal transit revenue. Potential funding sources include FTA Sec 5307, Local Transportation Funds, and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 1.5: Expansion of Public Transportation Systems**

**Measure Description:** Expand and enhance existing public transit services. Monitor needs for increased frequencies on heavily used routes; implement as appropriate; implement service as appropriate for newly developed areas.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Dependent upon available revenue and rider demand. Implementation of service subject to an increase in state and federal funding to fully fund both capital and operating costs for public transit service.

**Funding Allocated to Measure and Source:** Potential funding sources include FTA Section 5307, Local Transportation Funds, and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 1.7 Free Transit During Special Events**

**Measure Description:** As funding is available offer free transit during selected special events to reduce event related congestion and associated emissions increases. Includes Try Transit Week, Modesto's International Festival, and service to the annual free Thanksgiving dinner at Modesto Centre Plaza.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Dependent upon available revenue and rider demand.

**Funding Allocated to Measure and Source:** Potential funding sources include: FTA Section 5307, Local Transportation Funds and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 3.5: Preferential Parking for Carpools and Vanpools**

**Measure Description:** This measure encourages public and private employers to provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant automobile work trips. The preferential treatment could include covered parking spaces or close-in spaces.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** The feasibility of this strategy at Tenth Street Plan has been evaluated. This plan will be reviewed every 24 months to assess if the feasibility of this strategy has changed.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 3.16: Telecommuting**

**Measure Description:** Goal of specified percentage of employees telecommuting at least once per week.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance, Information Technology, Parks, Recreations and Neighborhoods (pilot project)

**Implementation Schedule:** We have supported one full time telecommuter on a pilot basis, and are providing limited telecommuting opportunities to staff and contractors where business necessity recommends this approach. Employees have access to their city e-mail account to facilitate telecommuting

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.1: Develop Intelligent Transportation Systems**

**Measure Description:** "Intelligent Transportation Systems" includes various technological applications intended to produce more efficient use of existing transportation corridors.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Three projects currently identified for this measure have been completed. These projects include an expansion of the ATMS Northeast completed by the end of 2002, an expansion of the ATMS Northwest completed by the end of 2003 and Phase III of the Closed Circuit Television completed by the end of 2002.

**Funding Allocated to Measure and Source:** The current projects are funded out of Congestion Mitigation and Air Quality funds.

ATMS Northeast \$490,428                      Pelandale-ATMS/CCTV: \$425,000  
Expand ATMS – College \$100,000      ATMS Northwest: \$805,000      CCTV: \$1,290,940

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 5.2: Coordinate Traffic Signal Systems**

**Measure Description:** This measure implements and enhances synchronized traffic signal systems to provide steady traffic flow at moderate speeds. In 2002 the City of Modesto won CATS award for best use of federal funds for the synchronizing the light outside the downtown core.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Ongoing as long as Congestion Mitigation and Air Quality funds remain available for these projects. Current projects included: 1- synchronize downtown lights 2004; and 2- synchronize outside downtown core 2006.

**Funding Allocated to Measure and Source:** There is no specific funding associated with this measure. Future projects will be dependent upon Congestion Mitigation and Air Quality allocations.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 5.3: Reduce Traffic Congestion at Major Intersections**

**Measure Description:** This measure implements a wide range of traffic control techniques designed to facilitate smooth, safe travel through intersections. These techniques include signalization, turn lanes, roundabouts, or median dividers. The use of grade separations may also be appropriate in cases where adequate funding is available for high volume or unusually configured intersections.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as long as Congestion Mitigation and Air Quality funding is available for these projects. Recent projects include roundabouts on Bowen and La Loma.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Gas Tax funds and Capital Facilities Fees.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.4: Site-Specific Traffic Control Measures**

**Measure Description:** This measure could include geometric or traffic control improvements at specific congested intersections or at other substandard locations. Another example might be programming left turn signals at intersections to lag, rather than lead, the green time for through traffic.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as long as Congestion Mitigation and Air Quality funds remain available. Recent projects include: 1 - Woodland / Carpenter to 9<sup>th</sup> Street; 2- Scenic and Oakdale; 3 – Pelandale Dale to Tully; and, 4 – Kansas Needham Overpass.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.9: Bus Pullouts in Curbs for Passenger Loading**

**Measure Description:** Provide a limited number of additional bus pullouts in curbs, or queue jumper lanes for passenger loading and unloading in new areas.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** The City of Modesto operates a program to install bus pullouts in new development through the City's standard specifications for new development.

**Funding Allocated to Measure and Source:** This measure is to be paid from the Capital Facilities Fees program until such a time as the program is modified or discontinued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.13: Fewer Stop Signs**

**Measure Description:** Improve traffic flow by removing stop signs and implementing alternative intersection control devices such as roundabouts.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** This project is on-going as long as Congestion Mitigation and Air Quality funds remain available for utilization.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 7.16: Trip Reduction Oriented Development**

**Measure Description:** The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto's development pattern is well above average density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning and Community Development Department

**Implementation Schedule:** On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and "smart growth" development policies or standards that would result in trip reduction oriented development.

**Funding Allocated to Measure and Source:** No funding source was identified.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 7.18: Sustainable Development**

**Measure Description:** The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto's development pattern is well above average density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning and Community Development Department

**Implementation Schedule:** On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in trip reduction oriented development.

**Funding Allocated to Measure and Source:** No funding source has been identified for this measure.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 8.1: Financial Incentives, Including Zero Bus Fares**

**Measure Description:** Provide financial incentives or other benefits, such as free or subsidized bus passes and cash payments for not driving, in lieu of parking spaces for employees who do not drive to the workplace.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** The City of Modesto currently provides free rides to work for all of its employees and will continue this program subject to evaluation/termination during the meet and confer process with City employee representatives.

**Funding Allocated to Measure and Source:** Currently, this program is funded with Local Transportation Funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 8.3: Preferential Parking for Carpoolers**

**Measure Description:** Provide preferential for carpoolers.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** The feasibility of this strategy at Tenth Street Place has been evaluated. This feasibility will be reviewed every 24 months.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 9.2: Encouragement of Pedestrian Travel**

**Measure Description:** This measure involves the use of pedestrian travel as an alternative to automobile travel. Pedestrian travel is quite feasible for short shopping, business, or school trips. Promotion of pedestrian travel could be included in air pollution public awareness efforts to remind people of this basic alternative. The City of Modesto encourages pedestrian travel by providing Class I trails that connect neighborhoods with schools, shopping and employment centers. The planned 4.2-mile Virginia Corridor bike/pedestrian trail will be a major north-south artery connecting downtown Modesto with residential neighborhoods, schools, parks and commercial areas. Other Class I trails include the 3-mile Hetch-Hetchy Trail in north Modesto, the 5-mile Mensinger Trail along Dry Creek between downtown and Claus Road at the eastern limits of Modesto. The 3-mile Bev Kilpatrick Trail along the Tuolumne River provides a recreational walking experience and will ultimately connect to the downtown Modesto. The City also has plans for Class I trails along the irrigation canals within the city limits and for the entire river and creek system in Modesto.

**Responsible Agency for Implementation:** The City of Modesto Parks, Recreation and Neighborhood Department.

**Implementation Schedule:** The City's ongoing rideshare program that encourages alternative forms of transportation. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and "smart growth" development policies or standards that would result in pedestrian-oriented development. In addition the city's Parks, Recreation and Neighborhood Department has an ongoing program for the development of walking trails.

**Funding Allocated to Measure and Source:** The City of Modesto will continue its rideshare program so long as CMAQ funds are available for that purpose.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 9.3: Bicycle/Pedestrian program**

**Measure Description:** Fund high priority projects within the City of Modesto as part of countywide plans consistent with funding availability. The Parks Recreation and Neighborhoods Department is seeking State and Federal funding for Class I trail construction of the trails listed above in ST 9.2. The Virginia Corridor Trail is a high priority project for funding. All 11 miles of existing Class I trails and those that are planned are to be multi-user trails and will support walking, biking jogging and skating.

**Responsible Agency for Implementation:** City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and “smart growth” development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** Current funding includes Safe Routes to Schools funds for trail/street crossing improvements from College to Granger \$440,000 grant; \$44,000 City match; Proposition 40: \$350,000; Federal RSTP: \$400,000; State Bicycle Transportation Account (BTA): \$697,000 to apply toward construction from Orangeburg to College. Rotary Centennial Project: Donation of Labor and funds by Modesto's 5 Rotary Clubs, with a value of \$500,000 for construction from Roseburg to Orangeburg. Future funding may include CMAQ, LTF. All funding sources will be aggressively pursued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 9.5: Encouragement of Bicycle Travel**

**Measure Description:** Promotion of bicycle travel to reduce automobile use and improve air quality. Bikeway system planning routes for inter-city bike trips to help bicyclists avoid other, less safe facilities. Another area for potential actions is the development and distribution of educational materials, regarding bicycle use and safety.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** The City of Modesto will continue to hold the bike to work day and family cycling festival to encourage bicycle travel. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional “smart growth” development policies or standards that would result in neighborhood design to encourage connectivity, and linkages between residential and non-residential development to provide opportunities for non-motorized modes including bicycles.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality has been identified as a potential funding source.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 9.11: Safe Routes to School**

**Measure Description:** Continue to apply for grants to improve pedestrian and bicycle travel for school trips. The current Safe Routes to Schools grant monies will fund construction of intersection improvements along the Virginia Corridor Trail between College Avenue and

Granger Avenue. The improvements will include L.E.D. lights in crosswalks at five street crossings, sidewalk, curb ramp and street light improvements and is to be constructed Summer, 2004. See item 9.2 for more detail on the Virginia Corridor. Other projects will be considered for funding applications as opportunities come available.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering), City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** On-going as long as funding remains available. In 2004 the City of Modesto received \$698,798 of state department of transportation funds for a bicycle train along the Virginia Corridor. In 2003 \$294,000 was received from the state to pay for flashing-light crosswalks, curb ramps, streetlights and sidewalks at the trail crossings on the corridor.

**Funding Allocated to Measure and Source:** Potential funding sources for this measure include the Safe Routes to School Program and Congestion Mitigation and Air Quality funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 10.2: Bicycle Racks on Buses**

**Measure Description:** Bicycle racks have been placed on all urban buses to increase bicycle travel.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** All City of Modesto urban transit buses have bicycle racks on them. Bicycle racks will be added to new buses as long as Federal and State funding remains available for the purchase of buses.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality Funds as well as, Federal Transit Agency Section 5307 funds have been identified as potential funding sources.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 11.8: Ban Cruising during Ozone Alert Days**

**Measure Description:** Police enforced. Cruising is prohibited by ordinance in Modesto.

**Responsible Agency for Implementation:** City of Modesto Police Department

**Implementation Schedule:** On-going until such time as the measure is revisited/revoked.

**Funding Allocated to Measure and Source:** No specific funding source was identified.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 11.9: Discourage Drive-Thru's in new development**

**Measure Description:** Reduce the number of drive-thrus in new development or declare a moratorium on new development with drive-thrus until air quality standards are achieved.

**Responsible Agency for Implementation:** City of Modesto: Community and Economic Development Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and "smart growth" development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** No specific funding source was identified.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure ST 13.1: Alternative Work Schedules**

**Measure Description:** Where appropriate, based on work requirements and employee availability for customer service, consider and implement limited pilot projects for alternative work schedules.

**Responsible Agency for Implementation:** City of Modesto: Personnel, Engineering and Transportation Department, Modesto Police Department, Modesto Fire Department, Operations and Maintenance Department

**Implementation Schedule:** In labor negotiations, alternative work schedules are options in each of the bargaining unit memorandums of understanding. Based on these MOU's alternative work schedules are utilized in several departments and are based on work requirements, employee scheduling and the needs of the department.

Currently there are employees in many departments including Police, Fire, Engineering and Transportation and Operations and Maintenance Departments who work alternative work schedules. This has been worked through any pilot stage issues and are part of the normal business practices for the departments. In the future, when appropriate, the City of Modesto will consider looking at other options for alternative work schedule projects.

**Funding Allocated to Measure and Source:** Funding for alternative work schedules are not available. Alternative work schedules projects will only be able to be accomplished if they work within existing funding availability.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 13.5: Internet Commerce and Education**

**Measure Description:** Encourage the use of the Internet to conduct public and private business and education.

**Responsible Agency for Implementation:** Various City departments in coordination with the City's Information Services Department.

**Implementation Schedule:** Currently underway and on-going. Examples of City services available on the Internet are: business license forms and listings, Purchasing contracting opportunities, claim forms, employment opportunities and applications forms, zoning maps and Assessor's plats, utility information, City Standard Design and Construction Specifications, streaming live and archived City Council Meetings, City Council agendas, staff reports and minutes, Council Committee Agendas, the Modesto Municipal Code, Parks and Recreation Department recreational activity registration forms, and complaint/comment/suggestion forms.

**Funding Allocated to Measure and Source:** These activities are supported by the General Fund and various Utility Enterprise Funds, as may be appropriate.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 14.3: Land Use/Development Alternatives**

**Measure Description:** This measure includes encouraging land use patterns which support public transit and other alternative modes of transportation. In general this measure would also encourage land use patterns designed to reduce travel distances between related land uses (eg. Residential-commercial). Shorter trip lengths ultimately relieve traffic congestion and improve air quality. The Modesto General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto's development pattern is well above average density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning Economic and Development Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing “neo-traditional” policies, or additional “smart growth” development policies and standards that would result in Specific Plan and neighborhood design to encourage connectivity and linkages between residential and non-residential uses and land-use patterns that would provide increased opportunities for non-motorized and alternative modes as well as reduce reliance on automobiles.

**Funding Allocated to Measure and Source:** No specific funding source was identified for this measure.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title: ST 15.2: Pedestrian and Bicycle Overpasses Where Safety Dictates**

**Measure Description:** On-going implementation as development occurs and as funding is available. One current project is the 9th Street Bridge that will have pedestrian sidewalks on either side of the bridge, with a fog stripe delineating a shoulder area for stalled vehicles. This shoulder is approximately 7.5 feet wide and could facilitate bicycle travel. The Specific Plan for the Virginia Corridor Trail project includes pedestrian bridge over crossings at three road crossings: Briggsmore Avenue, Standiford Avenue and Pelandale Avenue. The over crossings are considered essential over these roads due to the high-speed and high-volume of vehicle traffic they experience. A future pedestrian over crossing at the new Enochs High School has been identified as a specific project. Pedestrian and Bicycle safety necessitate these over crossings.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as funding is available. The Enochs High School over Crossing is funded through a combination of developer fees and school funding.

**Funding Allocated to Measure and Source:** Potential sources include developer funding, pedestrian safety funds and Congestion Mitigation and Air Quality funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure ST 17.15: Encourage the Purchase and Use of Alternative, Cleaner Vehicles.**

**Measure Description:** Encourage the purchase and use of alternative, cleaner vehicles in city operations where appropriate

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Modesto Police Department

**Implementation Schedule:** This project is on-going as long as funds are available for purchase and operations of the vehicles. Current projects include the addition of hybrid vehicles to the city fleet, purchase of hybrid buses for the transit fleet and purchase and operation of electric vehicles for police parking control.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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## **Explanations for Non-Commitment to the 2004 Control Measures**

### **Measure ST 1.4: Mass Transit Alternatives**

The City of Modesto already operates a fixed route service as well as, a Dial-A-Ride service. As such, this measure is fiscally infeasible due to the expanded transit service already provided by the City of Modesto.

### **Measure ST 3.1: Commute Solutions**

This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

### **Measure ST 3.9: Encourage Merchants and Employers to Subsidize the Cost of Transit for Employees**

This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure.

### **Measure ST 5.16: Adaptive Traffic Signals and Signal Timings**

Modesto currently has deployed a closed loop system with flexibility to implement a traffic responsive mode. Conversion to an adaptive traffic signal system is not fiscally feasible for the City of Modesto to implement.

### **Measure ST 7.14: Incentives for Cities with Good Development Practices**

This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

### **Measure ST 7.15: Cash Incentives to Foster Jobs/Housing Balance**

This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

### **Measure ST 7.17: Transit Oriented Development**

While with the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing “neo-traditional” policies, or additional “smart growth” development policies and standards to encourage alternate land-use patterns, there are limited opportunities within the Modesto Urban Area to plan and construct a true Transit-Oriented Development (TOD). The Amtrak station and the downtown rail station/transit center are the major opportunities for planning a TOD in Modesto. Typically, TODs are developed along rail or major transportation corridors in larger Metro areas with an excess of a million in population to support the associated rail/light rail/express bus systems (e.g. Laguna West in Sacto). Nonetheless, the opportunity could be explored for a mixed-use TOD at the Village One Amtrak site with future proposals in that area.

**Measure ST 7.19: Establishment of Urban Growth Boundaries**

Effective establishment of urban growth boundaries can only be accomplished in a regional setting. In the upcoming General Plan Update the Council will consider additional “smart growth” development policies and alternate growth patterns. There will also be opportunity to explore alternate growth boundaries for the General Plan. The General Plan Update will be an opportunity for Modesto to do its part in a regional effort by reexamining the Community Growth Policy process set forth in the General Plan including the potential for redefining or establishing Modesto’s permanent urban growth boundaries.

**Measure ST 8.2: Internet Ride Matching Services**

This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

**Measure ST 15.1: Encouragement of Pedestrian Travel**

This measure would be better served by implementation at the regional level through Commute Connection.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-102**

**A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS IN THE PELANDALE PROFESSIONAL PARK SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH PELANDALE PROFESSIONAL PARK, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY**

WHEREAS, PELANDALE PROFESSIONAL PARK, LLC, a California Limited Liability Company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.64 acres, known as the PELANDALE PROFESSIONAL PARK SUBDIVISION (“SUBDIVISION”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of May, 2003, and

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

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

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

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

WHEREAS, the subdivider has posted a warranty security in an amount equal to the estimated cost of the public improvements, as determined by the City Engineer, to guarantee and warranty the public improvements for a period of one year after acceptance.

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

1. The final map is hereby approved.
2. The dedications for streets, alleys and easements as shown thereon within the boundaries of said tract are hereby accepted on behalf of the public for public use.
3. The improvements completed in Pelandale Professional Park Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
4. The City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.
5. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Municipal Code.

6. The City Clerk is further authorized to release the warranty security to guarantee improvements in the amount of \$1,924.34 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

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

By Alison Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-103**

**A RESOLUTION APPROVING THE FINAL MAP OF THE MIRA LOMA  
SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SUBDIVISION AGREEMENT WITH RIDGE SUTTER, A MARRIED MAN AS  
HIS SOLE AND SEPARATE PROPERTY**

WHEREAS, RIDGE SUTTER, a married man as his sole and separate property, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 5.66 acres, known as the MIRA LOMA ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7<sup>th</sup> day of April, 2003, and

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

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

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

which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By   
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 104**

**A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTH DAY IN THE PARK FESTIVAL, 2004" AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT.**

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizen's Advisory Committee on Recycling (CACOR) sponsors the event, and the 15<sup>th</sup> Annual "Earth Day in the Park" will be held on Saturday, April 17, 2004, at Graceada Park, and

WHEREAS, "Earth Day in the Park Festival, 2003" drew approximately 90 vendors, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group's ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City's existing insurance policy, and

WHEREAS, the City's Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years' events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and

WHEREAS, this event provides a forum for merchants to display and sell their "environmentally friendly" merchandise, and for the creation of a "festival atmosphere",

while giving the public an opportunity to make purchases of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of "Earth Day in the Park Festival, 2004", at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the "Earth Day in the Park Festival, 2004" event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-105**

**A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND  
TRANSPORTATION'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS  
ON THE "KANSAS-NEEDHAM OVERHEAD" PROJECT FROM 8% TO 10%  
OF THE ORIGINAL CONTRACT PRICE WITH AGEE CONSTRUCTION  
CORPORATION**

WHEREAS, on May 7, 2002, the City Council awarded an \$8,992,823.30 contract to Agee Construction Corporation to construct an overhead crossing of 9<sup>th</sup> Street, 8<sup>th</sup> Street and the Union Pacific Railroad tracks from the College/Needham/10<sup>th</sup> Street intersection to the Franklin/Beech Street intersection, future connect to Highway 132, and

WHEREAS, the contractor started work on July 22, 2002, and

WHEREAS, during the course of construction, the contractor was required to perform additional work to construct the project that was not included in the original contract, and

WHEREAS, the Director currently has the authority to approve change orders up to a cumulative amount of 8% of the original contract price, or \$719,425.86 in this case, in accordance with the "Change Order Approval Policy" enacted by City Council Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the total estimated cost of the extra work is \$896,500.00, an amount that exceeds the Director's change order approval authority,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Director of Engineering and Transportation's authority level to issue change orders on the "Kansas-Needham Overhead" project from 8% to 10% of the original contract price with Agee Construction Corporation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-106**

**A RESOLUTION AUTHORIZING PREPARATION OF A PROJECT  
CLOSEOUT FINANCIAL LETTER FOR THE FINAL PROJECT COST PRIOR  
TO COUNCIL FINAL ACCEPTANCE, AND AUTHORIZING ITS SUBMITTAL  
TO THE STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) TO  
ACQUIRE COST OVERRUN REIMBURSEMENT FOR THE “KANSAS-  
NEEDHAM OVERHEAD” PROJECT**

WHEREAS, in 1996 the City received a \$10 million dollar Grade Separation Grant from the State of California to construct an overhead crossing of 9<sup>th</sup> Street, 8<sup>th</sup> Street, and the Union Pacific Railroad tracks from the College/Needham/10<sup>th</sup> Street intersection to the Franklin/Beech Street intersection, future connect to Highway 132, and

WHEREAS, on May 7, 2002, the City Council awarded an \$8,992,823.30 contract to Agee Construction Corporation to construct the project, and

WHEREAS, the contractor started work on July 22, 2002, and

WHEREAS, the final project costs are anticipated to be approximately \$17.2 million dollars, including right-of-way, design services, construction and contract management services, and

WHEREAS, according to State Statutes for Grade Separation funding, as long as the Grade Separation Program is approved in the State Budget on a yearly basis and our project ranking does not change with the added costs, the State is required to pay for all legitimate cost overruns at the rate of 80 percent of actual costs, and

WHEREAS, applications for reimbursement of cost overruns are accepted on a one-time basis, and

WHEREAS, on May 1, 2004, Caltrans will be assigning Program funds to new Grade Separation projects, and

WHEREAS, Caltrans has advised City Staff to issue a Project Closeout Finance letter before April 1, 2004, to ensure overrun reimbursement this year, and

WHEREAS, if the fund is depleted before submission of a project closeout letter, the City will have to wait until the State Legislature funds the program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes preparation of a Project Closeout Financial letter for the final project cost prior to Council final acceptance, and authorizes its submittal to the State Department of Transportation (Caltrans) to acquire cost overrun reimbursement for the "Kansas-Needham Overhead" project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-107**

**A RESOLUTION AUTHORIZING STAFF TO CONTINUE NEGOTIATIONS  
FOR A PHASE III CONSTRUCTION AND MAINTENANCE (C & M)  
AGREEMENT WITH THE UNION PACIFIC RAILROAD (UPRR) FOR THE  
CONSTRUCTION OF THE TUOLUMNE BOULEVARD EXTENSION**

WHEREAS, the Kansas-Needham Overhead Grade Separation project is nearing completion, and

WHEREAS, the final Grade Separation project, the Tuolumne Boulevard Extension (TBE), remains to be constructed, and

WHEREAS, a Federal Highway Administration (FHWA) Grant will be sought to fund eighty (80) percent of engineering and construction of the TBE, and

WHEREAS, the Union Pacific Railroad will fund five (5) percent (fixed sum) of the total cost of engineering and construction, and

WHEREAS, the City of Modesto will fund fifteen (15) percent of the total cost of the engineering and construction, and

WHEREAS, the Engineering and Transportation Department will review and update the total cost of the project, presently estimated at \$7,624,000.00, before execution of the agreement, and

WHEREAS, the Economic Development Committee approved this item at its February 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to continue negotiations for a Phase III Construction and Maintenance (C&M) agreement with Union Pacific Railroad (UPRR) for the construction of the TBE.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-108**

**A RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET (1) TO REDUCE THE 'TRAFFIC SIGNALS MODIFICATIONS' CIP (MY-1410-160-M195) APPROPRIATION BY \$80,640 AND TO RETURN THOSE FUNDS TO THE FUND BALANCE; AND (2) TO APPROPRIATE \$240,840 TO A NEW CIP PROJECT (MY-1410-430-A014) FOR STREET WIDENING IMPROVEMENTS ALONG HATCH ROAD AT ITS INTERSECTION WITH DALLAS STREET TO BE FUNDED BY THE 1410 FUND BALANCE**

WHEREAS, on September 2000, the City Council approved a development plan for Planned Development Zone, P-D (542) which allowed for the creation of a neighborhood commercial development, including a convenience market/gas station on the southeast and southwest corners of Hatch Road and Dallas Street, and

WHEREAS, the developer has since constructed the convenience market/gas station at the southwest corner, and

WHEREAS, the right-of-way and public utility easements dedications required for the commercial development has been completed and accepted by the City of Modesto through the Planned Development P-D 542 conditions of approval, and

WHEREAS, street improvements along Hatch Road are part of the Capital Facility Fees (CFF) program and the developer has requested that improvements fronting his development be constructed to enhance business and alleviate potential traffic issues, and

WHEREAS, the Engineering and Transportation Department was tasked to assist the developer and has completed preparing plans, specifications, and estimate as an engineering project for the Hatch Road improvements including street widening improvements and traffic signals modifications, and

WHEREAS, the Finance Department has indicated that there will be sufficient funds in the Fund 1410 fund balance for the appropriation of this project within the FY 2003-2004 Capital Improvement Program Budget.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby amends the FY2003-2004 Capital Improvement Budget (1) to reduce the 'Traffic Signals Modifications' CIP (MY-1410-160-M195) appropriation by \$80,640 and to return those funds to fund balance; and (2) to appropriate \$240,840 to a new CIP project (MY-1410-430-A014) for street widening improvements along Hatch Road at its intersection with Dallas Street to be funded by the 1410 fund balance.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-109**

**A RESOLUTION ALLOCATING THE REMAINING \$1.9 MILLION DOLLARS  
OF THE FEDERAL DEMONSTRATION BUDGET FOR REMOVAL OF  
RAILROAD TRACKS AND PERFORMING STREET IMPROVEMENTS IN  
THE VIRGINIA CORRIDOR, NORTH OF NEEDHAM AVENUE AND SOUTH  
OF THE PELANDALE EXPRESSWAY**

WHEREAS, the Union Pacific Railroad work billable to the Federal  
Demonstration project is complete, and

WHEREAS, the Kansas-Needham Overhead is no longer Federally Funded, and

WHEREAS, a Federal Highway Administration (FHWA) Grant will be sought to  
fund the engineering, and construction of the Tuolumne Boulevard Extension, and

WHEREAS, Caltrans has approved the use of Federal Demonstration Funding for  
the removal of railroad tracks and street improvements, and

WHEREAS, Caltrans has reviewed the Federal Demonstration Project  
environmental studies and has stated that the work falls under the jurisdiction of the  
present report, and

WHEREAS, the Economic Development Committee reviewed this item at its  
February 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that it hereby approves allocating the remaining Federal Demonstration Funding  
for the removal of railroad tracks and performing street improvements in the  
Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-110**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004 CAPITAL IMPROVEMENT PROGRAM TO CLOSE MY-0700-430-K265 AND, AFTER ALL APPROPRIATE ACCOUNTING ACTIONS ARE COMPLETE AND ALL ENCUMBRANCES CLEARED, TO AMEND THE EXISTING CIP PROJECT MY-2300-0700-430-A265 TO INCLUDE ALL OF THE REMAINING FEDERAL DEMONSTRATION BUDGET AND CORRESPONDING CITY OF MODESTO AND UNION PACIFIC RAILROAD MATCH FOR REMOVAL OF RAILROAD TRACKS AND PERFORMING STREET IMPROVEMENTS IN THE VIRGINIA CORRIDOR, NORTH OF NEEDHAM AVENUE AND SOUTH OF THE PELANDALE EXPRESSWAY.**

WHEREAS, the City Council has approved allocating the remaining 9<sup>th</sup> Street Railroad Removal Federal Demonstration budget for the removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway, and

WHEREAS, these funds were previously budgeted in the CIP project MY-0700-430-K265, Removal of 9<sup>th</sup> Street Railroad Tracks Phase II, and

WHEREAS, the Fiscal Year 2003-2004 CIP project MY-2300-0700-430-A265 has been established to remove railroad tracks and to perform street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway, and

WHEREAS, the Economic Development Committee reviewed this item at its February 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby amends the Fiscal Year 2004 Capital Improvement Program to close MY-0700-430-K265, and after all appropriate accounting actions are complete and all encumbrances are cleared, to amend the existing CIP project MY-2300-0700-430-A265

to include all of the remaining federal demonstration budget and corresponding City of Modesto and Union Pacific Railroad match for removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-111**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$232,900  
CONTRACT WITH TCB INDUSTRIAL, INC., FOR THE PROJECT TITLED  
“CENTRE PLAZA ELEVATOR EXTENSION,” AND AUTHORIZING THE  
CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the bids received for the Centre Plaza Elevator Extension project were opened at 11:00 a.m. on February 3, 2004, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$232,900 received from TCB Industrial, Inc., be accepted as the lowest responsible bid and the contract be awarded to TCB Industrial, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$232,900, and hereby awards TCB Industrial, Inc., the contract titled “Centre Plaza Elevator Extension.”

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -112**

**A RESOLUTION APPROVING AMENDMENT NO. 2 TO AN ENGINEERING SERVICES AGREEMENT WITH MEAD & HUNT, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR THE ELECTRICAL VAULT/EMERGENCY GENERATOR PROJECT AT THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY**

WHEREAS, the City of Modesto and Mead & Hunt, Inc. entered into an Engineering Services Agreement on December 6, 2001, which provides for the design of the Electrical Vault/Emergency Generator project at the Modesto City-County Airport, and

WHEREAS, said Agreement contemplated the potential need for Additional Engineering Services during the course of the work, and

WHEREAS, the Agreement further provides for amendments to the original Agreement when agreed to in writing by both parties, and

WHEREAS, the first amendment to agreement was entered into between the City and Mead & Hunt on November 25, 2003 for construction services on the project, and

WHEREAS, there is a need for Mead & Hunt to provide additional engineering services on the project to incorporate review comments made by the City staff and others into the plans and specifications and to resubmit these documents to FAA for approval, and

WHEREAS, said additional engineering services are compensable under the terms of the original agreement, and

WHEREAS, Amendment No. 2 to the original Agreement has been prepared to provide compensation for additional engineering services performed by Mead & Hunt, Inc. on the design of the project, and

WHEREAS, said Amendment No. 2 has received the Federal Aviation Administration's approval as to form and reimbursable expense, and

WHEREAS, the City Attorney's Office finds the terms of the amendment acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 2 to the Engineering Services Agreement with Mead & Hunt, Inc. in the amount of \$12,400 for additional engineering services.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute Amendment No. 2 on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-113**

**A RESOLUTION APPROVING LIGHTED CROSSWALKS AT THE FOLLOWING LOCATIONS: SUNRISE AVENUE AND COOLIDGE AVENUE, ORANGEBURG AVENUE AND MARTIN AVENUE, FLOYD AVENUE AND VICKI DRIVE, AND RUMBLE ROAD AND WALES WAY**

WHEREAS, City staff keeps a running list of requests from the public for lighted crosswalks, and

WHEREAS, to date this list includes all of the most current requests and data gathered as shown in Attachment 1 hereto, and

WHEREAS, staff recommends installing lighted crosswalks at locations 1, 2, 4, and 6 set forth below. The 3<sup>rd</sup> and 5<sup>th</sup> highest locations are short distances to already proposed locations:

1. Sunrise Avenue and East Coolidge Avenue
2. Orangeburg Avenue and Martin Avenue
3. Orangeburg Avenue/Enslin Avenue
4. Floyd Avenue and Vicki Drive
5. Floyd Avenue/Newport Drive
6. Rumble Road and Wales Way, and

WHEREAS, when citizens request a location, information regarding that particular crossing is gathered and assigned a point value, and

WHEREAS, this ranking method, based on point value, was approved by Council on March 19, 2002, and

WHEREAS, funding from the OTS grant covers 50% of these installations and the remaining 50% is budgeted in Account Number 2300-160-A221, "Office of Traffic Safety Lighted Crosswalks Various," and

WHEREAS, the Economic Development Committee discussed this item at its February 9, 2004, meeting, and concurred with staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the installation of Lighted Crosswalks at the following locations: Sunrise Avenue and Coolidge Avenue, Orangeburg Avenue and Martin Avenue, Floyd Avenue and Vicki Drive, and Rumble Road and Wales Way.

BE IT FURTHER RESOLVED that the Council hereby authorizes staff to proceed with plans for implementation and installation of said Lighted Crosswalks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-114**

**A RESOLUTION AMENDING THE ROUNDABOUT POLICY ESTABLISHING  
PUBLIC NOTIFICATION IN RETROFIT SITUATIONS AND RESCINDING  
RESOLUTION NO. 2002-432**

WHEREAS, staff has been implementing roundabout installations in both newly developing areas and in retrofit areas in Modesto, and

WHEREAS, there is currently an accepted City policy regarding guidelines for use and installation of roundabouts, and

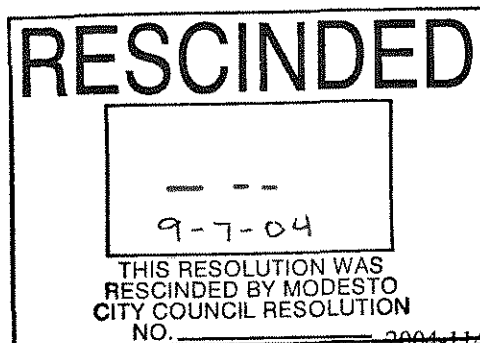
WHEREAS, staff developed a Roundabout Policy to create consistent guidelines for installation and use of roundabouts, and

WHEREAS, on September 3, 2002, by Resolution No. 2002-432 the City Council reviewed and adopted the Roundabout Policy, and

WHEREAS, the City Council directed staff to develop an amendment to the Policy setting forth and more fully describing the approval process of retrofitting existing intersections, and

WHEREAS, at the October 28, 2003, City Council meeting, Councilmember O'Bryant raised several concerns with the Roundabout Policy with regards to public notification, and

WHEREAS, the Economic Development Committee at their February 9, 2004 meeting, reviewed and discussed the proposed public notification in retrofit situations, and recommended a 1,000 ft notification area be added to the Roundabout Policy and directed staff to go forward for full Council approval, and



NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Modesto Roundabout Policy for installation and use of roundabouts in the City of Modesto, a copy of which is attached hereto as Exhibit "A", and incorporated by reference as though fully set forth herein.

BE IT FURTHER RESOLVED that effective February 24, 2004, Resolution No. 2002-432 adopted on September 3, 2003, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## **MODESTO ROUNDABOUT POLICY**

**This policy is revised as per Economic Development Committee direction at the February 9, 2004 meeting to include public notification guidelines in retrofit situations in Section IX**

**This policy was approved and revised as per City Council Resolution 2002-432 at the City Council meeting of September 3, 2002**

## **Roundabout Policy**

- I. Introduction**
- II. Modern Roundabouts – What Are They?**
- III. The Benefits of Roundabouts**
- IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.**
- V. Roundabout Justification**
- VI. Implementation Strategy**
- VII. Design Criteria**
- VIII. Roundabout Installation in Newly Developing Areas**
- IX. Roundabout Installation at Retrofit Locations**
- X. Operation & Maintenance**
- XI. Appeal of Staff Decision**

## **I. Introduction**

Each year the City receives numerous requests to reduce the traffic congestion on streets throughout the City. Citizens also express concerns about the safety of the streets on which they live. In an effort to find appropriate ways to deal with these concerns, reduce traffic congestion and improve safety, the City has recently considered the use of roundabouts.

The purpose of this Roundabout Policy is to establish guidance on where roundabouts are to be used in the City, to describe the performance and operation of roundabouts, and to give general guidance on design standards for roundabouts, so that high standard and uniform design can be implemented. It is recognized that the use and design of roundabouts in the United States is an emerging technology and that as the technology improves, changes in design and application will be modified so that the best available practices can be implemented.

## **II. Modern Roundabouts – What Are They?**

In essence, a roundabout is a traffic circle that has been refined in its design principles and characteristics. These improved principles and design standards have made roundabouts a safe and efficient form of intersection control.

Traffic circles have many forms, but their common feature is that they are designed around a central island that prevents vehicles from passing through them on a linear path. Until recently, roundabouts have been slow to gain support in this country. The lack of acceptance can generally be attributed to the negative experience with traffic circles built in the earlier half of the twentieth century. Severe safety and operational problems caused these traffic circles to fall out of favor by the 1950's. However, substantial progress has been achieved in the subsequent design of circular intersections, and a modern roundabout should not be confused with the traffic circles of the past.

The modern roundabout is defined by four basic principles that distinguish it from a nonconforming traffic circle.

1. Roundabouts follow the “yield-at-entry” rule, in which approaching vehicles must wait for a gap in the circulating flow before entering the circle, whereas traffic circles require circulating vehicles to grant the right of way to entering vehicles.
2. Roundabouts involve low speeds for entering and circulating traffic, as governed by small diameters and deflected entrances. In contrast, traffic circles emphasize high-speed merging and weaving, made possible by larger diameters and tangential entrances.
3. Compared to most traffic circles, roundabouts are small. Usually, a roundabout can be retrofitted within the space used by an existing traffic signal or stop-controlled intersection, with little or no additional right-of-way required.
4. At the entrance of each roundabout, triangular ‘splitter islands’ prevent drivers from going around the circle the wrong way, and simultaneously provide a safe refuge for crossing pedestrians. These islands are not used in traffic circles.

In giving priority to entering vehicles, a traffic circle tends to lock up at higher volumes. The operation of a traffic circle is further compromised by the high-speed environment in which large gaps are required for proper merging. These deficiencies have been corrected with the modern roundabout.

Figure 1-1 following shows the layout and design of a basic modern roundabout.

### III. The Benefits of Roundabouts

In the interest of safety, the conflict between two competing traffic movements must be resolved by a traffic control device that gives one movement priority over the other. When both movements are heavy, the priority must be alternated or distributed in some manner or else one of the movements will fail. For high volume roadways, traffic signals provide the most common traffic control discipline in the U.S. because of the positive way in which the priority is alternated. Low volume roads are normally controlled by stop signs. A growing number of studies show that in many situations, modern roundabouts are both safer and more efficient than either traffic signals or stop signs.

For the past two decades, thousands of modern roundabouts have been replacing traffic signals and stop signs all across Europe. This trend is well documented by several papers presented at the conference "Giratoires '92" (Roundabouts '92). France, for instance, has been building about 1,000 roundabouts per year. In the Netherlands, more than 400 were built between 1986 and 1992. In Norway, the number swelled from just 15 in 1980 to 500 in 1992; in Switzerland, from 19 to 220 during the same period. And, with the construction of some 50 to 100 modern roundabouts in the last five to eight years, roundabouts have finally gained a foothold in the U.S.

Modern roundabouts are now found in a number of U.S. states, including California, Nevada, Florida, South Carolina, Massachusetts, Vermont, Tennessee, Texas, Washington, Kansas, Wisconsin and Maryland. They are being used in a wide range of applications: to control speeds on residential streets; to improve capacity at congested freeway interchanges; to beautify gateway entrances to towns and shopping centers; and, most importantly, to reduce the number and severity of crashes at both major and minor intersections. In many communities, the roundabouts have been so successful that residents have quickly demanded more to fix other problem intersections.

Sources such as Public Roads Magazine, Tech Transfer from the University of California Institute of Transportation Studies, and Transportation Departments from the states of Maryland and Florida indicate that the following benefits are gained through the use of roundabouts:

1. Safety – Roundabouts have been shown to reduce fatal and injury accidents as much as 75% in Australia and 86% in Great Britain. The reduction in accidents is attributed to slower speeds and reduced number of conflict points.
2. Low Maintenance – Eliminates maintenance costs associated with traffic signals. In addition, electricity costs are reduced.
3. Reduced Delay – By yielding at the entry rather than stopping and waiting for a green light, delay is significantly reduced. A reduction in delay corresponds to a decrease in fuel consumption and air pollution.
4. Capacity – Intersections with a high volume of left turns are better handled by a roundabout than a multi-phased traffic signal.
5. Aesthetics – The central island affords an opportunity to provide landscaping, or some other forms of beautification.

The reduction in crashes occurs for several reasons:

- The number of possible conflict points between vehicles decreases from 32 at a four-way intersection, to 8 at a roundabout. (See the figures below.) By reducing the number of conflict points, roundabouts also reduce the number of collisions.
- Vehicle speeds at roundabouts are much lower, generally less than 20mph. Lower speeds mean shorter braking distances and longer decision-making time. Therefore, even if someone makes a mistake a collision is easier to avoid.

- Decision-making is simplified. A driver about to enter has one decision: “Is there a vehicle circulating in the roundabout blocking my path?” If not, the driver enters. Otherwise, the driver waits for a gap.
- If a collision does occur at a roundabout, the force of impact is much lower due to the lower speed and the low angle of impact. No one can “run the red” and cause a right angle collision. Nor can a left-turning driver make a mistake in selecting a gap in the approaching through traffic, with the resulting head-on or right angle crash.

#### **IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.**

Roundabouts perform better at intersections with roughly similar traffic flows and a high proportion of left turning traffic. This does not mean that all movements must be of the same magnitude. Rather, that the predominant movements are “broken up” by circulating traffic, so that gaps are provided to allow vehicles waiting on adjacent legs to enter the roundabout without major delays.

Engineering judgement and traffic analysis must be factored into the decision making process when roundabouts are being considered. Roundabouts are not the solution to all traffic problems at all locations. Careful study is required to identify the most appropriate control mode at any given location. The studies required to justify the installation of traffic signal control and all-way stop control are based on the warrants and requirements set forth in the Caltrans Traffic Manual. No such warrants or requirements exist for roundabouts.

Three general questions must be answered to justify a roundabout as the most appropriate form of control at any intersection.

- Will a roundabout be expected to perform better than other alternative control modes? In other words, will it reduce delay, improve safety or solve some other operational problem?
- Are there factors present to suggest that a roundabout would be a more appropriate control, even if delays with a roundabout are slightly higher?
- If any factors exist that makes installation of a roundabout inadvisable, can they be resolved satisfactorily?

If these questions may be answered favorably, then a roundabout should be considered as a logical candidate control mode.

Generally speaking, roundabouts are particularly suited in the following situations:

- Heavy delay on minor road.
- Traffic signals result in greater delay.
- Intersection with heavy left turning traffic.
- Intersection with more than four legs or unusual geometry.
- At rural intersections (including those in high-speed areas) at which there is an accident involving crossing traffic.
- Where major roads intersect at “Y” or “T” junctions.
- At locations where traffic growth is expected to be high and where future traffic patterns are uncertain or changeable.
- At intersections where U-turns are desirable.
- At Freeway Interchange Ramps.
- High accident intersection where right angle accidents are prominent.

Generally speaking, roundabouts are unsuitable in the following situations:

- Where a satisfactory geometric design cannot be provided.
- Where a signal interconnect system would provide a better level of service.
- Where it is desirable to be able to modify traffic via signal timings.
- Where peak period reversible lanes may be employed.
- Where the roundabout is close to existing signals and queuing from the signal could be a problem.
- Where there are insufficient gaps in the major flow, so that the minor flow has difficulty entering the roundabout. (Sometimes, however, this problem can be fixed by signaling one approach to a roundabout to create gaps for another leg. Usually, this signal need only be turned on during the peak hour.)
- Where traffic volumes are very high, say 6,000 vph. (Here a very large signalized intersection is necessary to separate vehicles in time. Alternatively, an overpass is probably more suitable and safer.)

## **V. Roundabout Justification**

Roundabouts have been used successfully in many cities throughout the world, including several in the U.S. They offer a proven form of traffic control that has, up to this point, not been applied extensively in Modesto. There may be several locations in the City that could benefit from the installation of a roundabout as an alternative to the more conventional intersection control methods.

This section sets forth the procedure required to justify a roundabout as the most appropriate form of control for a given situation. The procedure is intended to provide documented support for the decision to install a roundabout.

### **A. Intersection Control Alternatives**

There are three alternatives to roundabouts for intersection control. Each has significant operational limitations in comparison with a roundabout. Each alternative will be discussed separately:

**Traffic Signals** – Roundabouts can efficiently handle particular intersections with decreased delay and greater efficiency than traffic signals. This is especially true where traffic volumes entering the roundabout are roughly similar and where there are a high number of left turning vehicles.

**Two-Way Stop Control (TWSC)** can accommodate low traffic volumes with much less delay than traffic signals, but this control mode favors the major street (unstopped) movements at the expense of the minor street (stopped) movement. When the major street traffic volumes are heavy (typically 1400 vph or more) there is little or no opportunity for cross street access. This places a definite limit on the application of TWSC. Even when TWSC capacity is not exceeded, there is often public pressure to install signals at TWSC intersections.

**All-Way Stop Control (AWSC)** treats the cross street movements more favorably, without the wasted time associated with traffic signals. However, the rate at which vehicles may enter an intersection (i.e. headway) under AWSC is relatively low and, therefore, the total intersection capacity is somewhat limited.

The roundabout on the other hand, overcomes all of these disadvantages. There is no sequential assignment of right-of-way and therefore no wasted time. Left turns are not subordinated to through

traffic. Vehicles enter under yield control instead of stop control and therefore have lower headways and higher capacities. There are no electrical components to malfunction.

## **B. Roundabout Justification Categories**

To provide an organized approach to the justification process, a series of categories has been developed, each of which represents a good reason to install a roundabout. These categories are summarized in the following Table in terms of their anticipated relationships to warrants contained in the Caltrans Traffic Manual. A brief description of the justification categories is provided.

### **1. Community Enhancement**

Projects qualifying for roundabout treatment in this category should demonstrate that a roundabout is an essential part of the community's development plan for a given area, and not just an arbitrary idea.

Roundabouts in this category would typically have one or more of the following characteristics:

- They are often located in commercial and civic districts. Traffic volumes would typically be low, otherwise, one of the more operationally oriented justification categories would normally be more appropriate;
- Aesthetics are an important factor in this category. Particular attention will be required with respect to choice of materials, landscaping requirements, etc.; and
- They will not generally be proposed as a solution to traffic problems. Therefore, any factors that would imply either operational or safety problems should be taken very seriously.

### **2. Traffic Calming**

Projects qualifying for roundabout treatment in this category should demonstrate that there is a need for traffic calming along the intersecting roadways. Although these roundabouts are primarily located in residential areas, there are situations where a roundabout on a higher classification road would be justified under this category. Examples of conditions that might suggest a need for traffic calming include:

- Documented observations of speeding, high traffic volumes and/or careless driving activities; or
- New construction (road opening, traffic signal, new road, etc.) which would potentially increase the volumes of "cut-through" traffic.

### **3. Safety Improvement**

Projects qualifying for roundabout treatment in this category should demonstrate that there is a safety problem at the intersection. In addition, it should be documented how the roundabout treatment will improve safety at the intersection. A special review of accident reports and the type of accidents occurring is usually necessary. Examples of safety problems include:

- High rates of crashes involving conflicts that would be readily resolved by a roundabout (right angle, head-on, left/through, U-turns, etc.);
- High crash severity that should be reduced by the slower speeds associated with roundabouts;
- Site visibility problems that reduce the effectiveness of stop sign control; and
- Inadequate separation of movements, especially on single lane approaches.

#### **4. All Way Stop Control Alternative**

Projects qualifying for roundabout treatment in this category should demonstrate that an all-way stop control (AWSC) is warranted and that delay from the roundabout treatment would compare favorably with the AWSC treatment. Traffic volumes in this category will not normally meet the Caltrans warrants for traffic signals.

#### **5. Low Volume Signal Alternative**

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This category will normally be limited to single lanes on the approaches and on the circulating roadway.

#### **6. Medium Volume Signal Alternative**

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This justification category is appropriate for two lane roundabouts, however, designs involving more than one lane should only be considered when an operational analysis indicates a significant advantage compared to a signalized intersection.

The conversion of an existing signalized intersection to a two-lane roundabout would normally be undertaken as a solution to an observed operational or safety problem caused by the signal.

#### **7. Special Conditions**

Projects qualifying for roundabout treatment in this category should demonstrate that site specific conditions make a roundabout the appropriate intersection treatment. These conditions include unusual geometrics, high traffic volumes, right-of-way limitations, 5 or more legs in the intersection, etc.

### **VI. Implementation Strategy:**

As stated earlier, roundabouts may be deployed at a variety of locations throughout the City of Modesto's transportation system. It is the policy of the City of Modesto to implement roundabouts at the following locations and in the following manner:

#### **A. At Minor Collector/Minor Collector Intersections:**

- For newly developing areas, each Minor Collector/Minor Collector intersection shall be evaluated for the installation of a roundabout, and except where there are physical constraints or significant overriding circumstances, roundabouts are proposed for installation.
- For retrofit locations, Section IX of this policy governs.

**B. At Intersections that are classified Minor Arterial/Collector; Minor Arterial/Minor Arterial or Principal Arterial/Minor Arterial, the following shall apply:**

**Before Installation:**

A roundabout at intersections with a classification higher than Collector/Collector cannot be justified as the most appropriate form of control without a sense of how it will perform at a specific intersection and how that performance will compare to other intersection control alternatives.

In the City of Modesto, the implementation of roundabouts at intersections classified Minor Arterial/Collector and above will be accomplished using the following approach:

- Step 1. Identify the target location.
- Step 2. Perform computerized capacity analysis of proposed roundabout installation. If favorable, then
- Step 3. Recommend, design and install the roundabout.

A capacity analysis of each proposed roundabout installation shall be conducted to demonstrate its ability to handle anticipated traffic volumes for the subject intersection using a 20-year design period. The capacity analysis shall be accomplished using traffic projections from the most up to date traffic model the City possesses and by using the most up to date simulation software available to simulate roundabout operation as determined by the City's Traffic Engineer. The capacity of the roundabout must be equal to or better than that provided by the appropriately warranted traditional traffic control devices for the same traffic design volumes being analyzed.

**After Installation:**

The analytical models described above can only estimate the performance of a roundabout. Actual performance can only be obtained through field observation. However, given that the roundabouts are designed and simulated based on a 20-year design period, the roundabouts should perform very well when first opened, and for a good number of years thereafter. Nonetheless, initial field observations of the roundabout operation at its inception is prudent. Observations will be made to verify that the roundabout operates as intended and the travelling public negotiates the roundabout in an appropriate manner. All of the following questions should produce negative answers:

- Do drivers stop unnecessarily at the yield point?
- Do drivers stop unnecessarily within the circulating roadway?
- Do any vehicles pass on the wrong side of the central island?
- Do queues from an external bottleneck back up in the roundabout on an exit road?
- Do the actual number of entry lanes differ from those intended by the design?
- Do smaller vehicles encroach on the truck apron?
- Is there evidence of damage to any of the signs in the roundabout?
- Is there any pedestrian activity on the central island?
- Do pedestrians and cyclists fail to use the roundabout as intended?
- Are there tire marks on any of the curb surfaces to indicate vehicle contact?
- Is there any evidence of minor accidents, such as broken glass, pieces of trim, etc., on the approaches or the circulating roadway?
- Is there any gravel or other debris collected in non-traveled areas that could be a hazard to bicycles or motorcycles?

These questions should all be examined in the days immediately after the roundabout opening. Both daytime and nighttime observations of the operating characteristics should be made. Follow-up strategies to ensure satisfactory operation may be implemented as necessary after initial observation. Periodic checks should also be made to ensure that no serious sight distance obstructions have occurred due to growth of foliage or roadside development. The City's Traffic Engineering Staff will continue to monitor traffic volumes, accidents and operations at intersections with roundabouts, just as they do at intersections where other alternative traffic control devices are in place.

## **VII. Design Criteria**

Neither Caltrans nor ASSHTO currently maintains standards for the design of roundabouts. Until design standards are adopted by Caltrans, all proposals for roundabouts on the City of Modesto street system shall be in accordance with details provided in the City's Standard Specifications, or as conceptually approved by the City's Traffic Engineer.

The conceptual approval will be based on whether the proposal conforms with the general concepts contained in this policy. The purpose of this document is to provide a basis for evaluating roundabout proposals, and it is not intended to contain the comprehensive information needed to complete a design. Proposed roundabouts being designed by City engineering staff and by those other than City staff should be discussed with the City's Traffic Engineer throughout the conceptual and design stages of the project.

## **VIII. Roundabout Installation in Newly Developing Areas**

Section V of this policy describes in general terms when a roundabout installation may be appropriate for a given situation. It is recognized that roundabout installation is applicable in a variety of geometric configurations, and as such, the design can vary greatly, depending on the situation. As such, it is incumbent upon the designer to work closely with the City's Traffic Engineer on the detailed design of a roundabout.

Roundabout installation, whether contemplated by the development community or by City staff, shall be coordinated with the City's Traffic Engineer. The City's Traffic Engineer shall give approval to the roundabout concept being proposed for a given intersection. Once approval is given, the design of the roundabout shall be in accordance with design standards set forth in the City's Standard Specifications or as directed by the City's Traffic Engineer to accommodate non-standard situations.

In newly developing areas, the developer shall be responsible to install roundabouts at Collector/Collector intersections. Roundabouts installed at higher classified intersections will be the responsibility of the developer as conditions of approval may warrant. In some cases, the City of Modesto may be responsible for installation via proceeds from a Community Facilities District.

## **IX. Roundabout Installation at Retrofit Locations**

There will be occasions when existing intersections in the City are scheduled to have new stop signs or traffic signals added to them, due to the need to assign right of way for increased safety purposes. Similarly, existing controlled intersections may be destined for an upgrade in controls (i.e., from a 2-way stop to a 4-way stop, or from a 4-way stop to a traffic signal). Thirdly, there may be occasions where an existing controlled intersection may warrant replacement with a roundabout (i.e., replace a 4-way stop with a roundabout). Lastly, an existing intersection may be destined for a roundabout for either traffic calming or beautification purposes.

In such cases as these, the installation of roundabouts may be considered as an alternative to the traditional forms of traffic control. These are considered “retrofit” situations and special consideration of roundabout installation is required.

If a roundabout is proposed in a retrofit situation, the design and installation must be such that all modes of vehicles using that particular intersection are accommodated, and the “modern roundabout” concept and operational characteristics are preserved. Generally speaking, roundabouts in retrofit situations would not be applicable to anything less than a minor collector/minor collector intersection (i.e., 60’ of right of way on each leg of the intersection). Even then, additional right of way may be required to gain proper deflection angles and tapers on all approaches. Each retrofit situation shall be analyzed on a case-by-case basis, and the final design of any proposed roundabouts at a retrofit location shall be approved by the Engineering and Transportation Director.

In the event a “retrofit” development adds a roundabout to an intersection in a previously-approved specific plan area that did not include such a roundabout, then that specific plan shall be amended in the usual and customary manner in accordance with state law and the applicable provision of the Modesto Municipal Code.

If it is decided that a roundabout will be deployed in a retrofit situation, and right of way is needed to install a properly designed roundabout, the City shall be responsible to acquire the right of way. If the situation is such that development has not occurred on one or more corners of the target intersection, then the property owner or developer of those non-developed parcels is responsible to dedicate the necessary right of way for proper installation of the roundabout.

In retrofit situations for a roundabout, notification will be 1,000 ft. All properties within 1,000 ft will be notified of the roundabout proposal.

## **X. Operation and Maintenance**

Roundabouts generally will become an asset of the City once public improvements are accepted as complete by the City Council. Exceptions would be those roundabouts that are constructed within a private gated community, or on any other non-public thoroughfare. The City of Modesto will assume responsibility for operation and maintenance of those roundabouts that are within the public right of way. Maintenance of landscaping associated with a City-owned roundabout may be the City’s responsibility, or may be included in a Capital Facilities District, and therefore, the CFD’s responsibility.

## **XI. Appeal of Staff Decision**

Any staff decision made pursuant to this policy may be appealed to the City Council pursuant to Section 1-4.01 through 1-4.05 of the Modesto Municipal Code.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-115**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT BIDS FOR THE PURCHASE OF NINE (9) GRANULAR  
ACTIVATED CARBON UNITS FOR THE OPERATIONS AND MAINTENANCE  
DEPARTMENT, WATER DIVISION**

WHEREAS, granular activated carbon (GAC) are pressure vessels filled with granular activated carbon, and

WHEREAS, granular activated carbon is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, as of January 2004, seventeen (17) drinking water wells were out of service and at least one (1) additional well may be removed from service if test results do not improve, and

WHEREAS, the cumulative effect of this is that the City's overall well production capacity is reduced by nineteen (19%) percent, and

WHEREAS, as part of an overall strategy to recover production capacity before the peak demand season starts, City staff identified four (4) drinking water wells that could be returned to service prior to June 1, 2004, with the installation of granular activated carbon units, and

WHEREAS, returning these wells to service, coupled with the completion of work on three (3) additional wells will regain approximately thirty-six (36%) percent of the lost drinking water well production capacity, and

WHEREAS, implementing this strategy requires quick action as it will take approximately 8-12 weeks for a vendor to produce, ship and install the number of

granular activated carbon units required. This entire process needs to be completed by June 2004, and

WHEREAS, returning these wells to service is critical for meeting peak usage demands present during the summer months, and

WHEREAS, without an improvement in well production capacity, the City will likely need to consider the implementation of Stage 2 water use restrictions, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of nine (9) granular activated carbon units for the Operations and Maintenance Department, Water Division, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of nine (9) granular activated carbon units, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-116**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
ISSUE REQUEST FOR BIDS (RFB) FOR FOUR (4), ¾ TON PICKUPS FOR AN  
FOR AN ESTIMATED ANNUAL COST OF \$120,000.00.**

WHEREAS, the Operations and Maintenance Department-Fleet Services Division has requested the purchase of four (4), ¾ ton pickups, and

WHEREAS, these additional pickups are to be added to the vehicle pool, and

WHEREAS, three of the trucks will be used by the Water Division field crew in the construction and maintenance of the City's water system, and

WHEREAS, one truck will be used by the Wastewater Division in the maintenance of the City's wastewater system, and

WHEREAS, these pickups are fully funded for replacement from the funds set aside out of the Fleet Enterprise Fund, and

WHEREAS, the combined estimated total cost of this purchase is \$120,000.00, and

WHEREAS, the Modesto Municipal Code generally requires all purchases exceeding \$50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, by soliciting competitive bids the City will achieve the best value for the four (4), ¾ ton pickups and meet the City's requirements for formal bidding, and

WHEREAS, at the January 26, 2004, meeting the Finance Committee gave its unanimous approval to move this request for authority to issue Request for Bids on to Council for review,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal solicitation of bids for four (4), ¾ ton pickups is hereby authorized as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for four (4), ¾ ton pickups to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form and manner provided by law.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-117**

**A RESOLUTION REJECTING ALL PROPOSALS FOR SPOILS REMOVAL SERVICES AND AUTHORIZING RE-ISSUING A REQUEST FOR PROPOSAL (RFP) FOR SPOILS REMOVAL SERVICES FOR AN ESTIMATED ANNUAL COST OF \$75,000.00, AND RESCINDING RESOLUTION 2003-526.**

WHEREAS, the Operations and Maintenance Department-Water Division has requested the purchase of spoils removal services, and

WHEREAS, the spoils removal service contractor would remove dirt, mud, asphalt, and other debris related to various maintenance and construction activities, and

WHEREAS, this activity affects a number of work areas in the Department, and

WHEREAS, one of the largest generators of spoil materials is the Water Operations Division where spoils materials are generated each time staff repairs a water leak, installs a new water line, renews a water service, and

WHEREAS, if left along the roadside the spoil materials become an eyesore within the community as well as an attractive nuisance with potential liability concerns for the City, and

WHEREAS, one of the benefits of removing spoils is that the material may be recycled into other products used in construction projects, and

WHEREAS, recycling keeps the materials out of landfills and out of the waste stream, and

WHEREAS, the estimated annual total cost for spoils removal services is \$75,000.00, and

WHEREAS, Resolution 2003-526 authorized the solicitation of proposals for spoils removal services, and

WHEREAS, Request for Proposals 0304-03 were opened and recorded on January 6, 2004, and

WHEREAS, an evaluation committee consisting of Operation and Maintenance and Purchasing Division staff determined that Exhibit B of the proposal document was confusing and resulted in inadequate pricing information being submitted for review, and

WHEREAS, as a result, the Evaluation Committee was unable to evaluate and equitably compare prices submitted for spoil removal services, and

WHEREAS, staff requests that all proposals received be rejected, staff be authorized to reissue a Request for Proposal (RFP) for spoils removal services, and Resolution No. 2003-526 be rescinded, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases exceeding \$50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, by reissuing Request for Proposals and soliciting competitive bids the City will achieve the best value for spoil removal services and meet the City's requirements for formal bidding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2003-526 and rejects all proposals for spoils removal services, and authorizes reissuing a formal solicitation for Request for Proposals for spoils removal services for an estimated annual cost of \$75,000.00

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed proposals for spoils removal services to be opened in the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed proposals in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

~~APPROVED AS TO FORM:~~

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-118**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR SIX (6) UTILITY TRUCKS TO THE FOLLOWING VENDORS: S & C FORD, INC. OF SAN FRANCISCO, CA. FOR FIVE (5) UTILITY TRUCKS IN THE APPROXIMATE AMOUNT OF \$136,049.49 AND AMERICAN CHEVROLET OF MODESTO, CA. FOR ONE (1) UTILITY TRUCK IN THE APPROXIMATE AMOUNT OF \$46,161.59. THE TOTAL APPROXIMATE PURCHASE AMOUNT FOR ALL SIX (6) UTILITY TRUCKS IS \$182,211.08.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of six (6) utility trucks, and

WHEREAS, Resolution No. 2003-505 authorized the Purchasing Supervisor to solicit Request for Bid (RFB) for six (6) utility trucks, and

WHEREAS, the six utility trucks consist of one (1), ¾ ton extended cab truck with utility body; one (1), ¾ ton extended cab truck; one (1), 21,000 Gross Vehicle Weight (GVW) cab and chassis; two (2), ¾ ton trucks with utility body; and one (1) 15,000 Gross Vehicle Weight (GVW) truck with utility body, and

WHEREAS, the ¾ ton extended pickup, the ¾ ton extended cab truck with utility body, and the 21,000 GVW cab and chassis are additional truck for the Water Division, and

WHEREAS, these trucks will be used by the heavy construction crew doing installation and major line construction, and

WHEREAS, these trucks will also be used by pump mechanics and have been added to the City's Water Division, and

WHEREAS, replacement trucks are replacing trucks that have met their life expectancy and are in need of replacement for maintenance and reliability reasons, and

WHEREAS, one 3/4 ton truck with utility body is a replacement for an existing truck in the Community Forestry Division, and

WHEREAS, the 15,000 GVW truck with utility body is an additional unit for the Transit Division and will be used for maintenance of bus shelters, and

WHEREAS, S & C Ford Inc. of San Francisco, CA. is the lowest responsive and responsible bidder for five (5) utility trucks for a combined total approximate cost of \$136,049.49, and

WHEREAS, American Chevrolet of Modesto, CA. is the lowest responsive and responsible bidder for one (1) utility truck for a total approximate cost of \$46,161.59, and

WHEREAS, the combined estimated total cost of all six (6) utility trucks is \$182,211.08, and

WHEREAS, on August 13, 2003 the Finance Committee recommended taking the request for authorization to bid for the six trucks to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for a total of six (6) utility trucks to the following vendors:

S & C Ford Inc. of San Francisco, CA., for five (5) utility trucks in the approximate amount of \$136,049.49 and American Chevrolet of Modesto CA., for one (1) utility truck in the approximate amount of \$46,161.59. The approximate total purchase amount for the six (6) utility trucks is \$182,211.08.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue purchase orders for six (6) utility trucks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-119**

**A RESOLUTION DECLARING AS SURPLUS FROM FEBRUARY 1, 2004 THROUGH JANUARY 31, 2005 THE FOLLOWING ITEMS: LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY FROM THE POLICE DEPARTMENT; EXCESS PROPERTY ACCUMULATED BY THE CITY; AND SURPLUS CITY VEHICLES AND AUTHORIZING THE PURCHASING DIVISION TO SELL SAME BY SEALED BID, BY AUCTION, OR SELL AS SCRAP.**

WHEREAS, the City's surplus items consist of stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles, and

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

WHEREAS, it is the intent of the City's Purchasing Division to seek City Council approval for the disposition of surplus property for the period of February 1, 2004, through January 31, 2005, in accordance with Section 801 of the City Charter, and

WHEREAS, by approving staff's recommendation for authorization to dispose of surplus property without having to return to City Council for subsequent approval, the City will save substantial staff and processing time, and

WHEREAS, the estimated gross revenue to be received from the sale of surplus property ranges from \$100,000 to \$140,000, and

WHEREAS, by Resolution No. 2001-423, the City Council authorized the City's current auction agreement dated August 14, 2001, which provides for auctioneering services to be conducted by Roger Ernst and Associates (now named "The Auction House" at their facility located at 824 W. Kiernan Avenue, in Modesto, and

WHEREAS, The Auction House charges a 6.75% Commission Fee on all rolling stock, consisting of motor driven vehicles and a 15% Commission Fee for miscellaneous surplus, consisting of bicycles, furniture, tools, and computers, and

WHEREAS, all revenues received (less administrative fees) from the sale of non-rolling stock shall be deposited in the General Fund per (MCC 2-7.08), and

WHEREAS, all Fleet vehicle/equipment revenues received (less administrative fees) shall be deposited in the Vehicle Replacement Fund, 7210, and

WHEREAS, the City's Purchasing Division has recommended on occasion that specific surplus property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by The Auction House, and

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

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

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

WHEREAS, this item was presented to the Finance Committee on January 26, 2004, and approval was given to move this item forward to the full Council,

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

SECTION 1. For the period of February 1, 2004, through January 31, 2005, the Council hereby declares the following items as surplus: 1) lost, stolen, unclaimed and/or seized property from the Police Department, 2) excess property accumulated by the City, and 3) surplus City fleet vehicles/equipment. The revenues from the sale of surplus fleet vehicles/equipment shall be deposited in the Fleet Replacement Fund, 7210.

SECTION 2. That the City Manager, or his designated representatives, is hereby authorized to sell said surplus property to the highest bidder by sealed bid, auction, or as scrap in accordance with Section 801 of the City Charter. The non-vehicle revenues received (less administrative fees) shall be deposited in the General Fund per (MMC Section 2-7.09).

SECTION 3. The City's Central Stores Manager is hereby authorized to contact The Auction House, (formerly known as Roger Ernst and Associates) the City's current auctioneer, to coordinate pick-up and sale of surplus property after the necessary surplus property forms have been approved by the Purchasing Division.

SECTION 4. The Purchasing Division is hereby directed to prepare a recap memorandum to account for the items sold and proceeds obtained from said auction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-120**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE REQUEST FOR BIDS (RFB) FOR SIXTEEN (16), 2004 MODEL, CHP CLASS "E" PATROL SEDANS FOR AN ESTIMATED ANNUAL COST OF \$417,000.00.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of sixteen (16), 2004 Model, CHP Class "E" patrol sedans, and

WHEREAS, the CHP Class "E" patrol sedan is the standard that has been developed for the City's patrol sedans, and

WHEREAS, delivery of these vehicles will be coordinated to coincide with the lifecycles of the current patrol fleet in order to meet the replacement needs over the next twelve (12) months, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases exceeding \$50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, by soliciting competitive bids the City will achieve the best value for sixteen (16), 2004 Model, CHP Class "E" patrol sedans and meet the City's requirements for formal bidding, and

WHEREAS, on February 23, 2004, the Finance Committee recommended taking this request for authorization to purchase said vehicles to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes solicitation of formal bids for sixteen (16), 2004 Model, Class "E" patrol sedans is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for sixteen (16), 2004 Model, Class "E" patrol sedans to be opened in the

office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-121**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA – CALIFORNIA CONSERVATION CORPS TO PROVIDE MATCHING IN-KIND FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000 FOR A RIPARIAN AREA RESTORATION PROJECT IN DRY CREEK REGIONAL PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the California Conservation Corps (CCC) is eligible for monies from Park Bond Acts 12 and 40 to perform riparian restoration projects, and

WHEREAS, the CCC approached the City of Modesto and offered to partner with the City in a short-term restoration project of the City's choice, and

WHEREAS, the City has budgeted funds for riparian restoration in Dry Creek Regional Park as part of the Trees for Tots program, and

WHEREAS, a partnership with CCC for this project would meet both the City's needs and those of CCC, and

WHEREAS, CCC must show a fifty percent (50%) match on the part of the partnering organization in order to receive the state grant funding for restoration, and

WHEREAS, the City has budgeted \$15,000 for the 2004 Trees for Tots program in the Community Forestry Division and Parks Operations Division budgets, and

WHEREAS, the CCC agreement would allow the City to receive \$30,000 worth of restoration benefits for the \$15,000 budgeted cost, and

WHEREAS, the proposed project area is located next to Dry Creek along the Peggy Mensinger Bicycle Path and includes irrigation system installation, tree planting, tree maintenance and training of CCC members, and

WHEREAS, the restoration project must be completed by June 30, 2004, in order for the CCC to be eligible for the Park Bond funding,

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Agreement between the City of Modesto and the State of California – California Conservation Corps for the City to provide matching in-kind funds in an amount not to exceed \$15,000 for a riparian area restoration project in Dry Creek Regional Park.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-122**

**A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE SURPLUS PROPERTY LOCATED ON 1230 12<sup>TH</sup> STREET, MODESTO, (GSA NO. 9-G-CA-1610), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND SUBSEQUENT DOCUMENTS, AND RESCINDING RESOLUTION NO. 2004-019.**

WHEREAS, certain real property owned by the United States, located in the County of Stanislaus, State of California, has been declared surplus and is subject to assignment for disposal for homeless or public health purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

1230 12<sup>th</sup> Street, Modesto, California (GSA No. 9-G-CA-1610),

and

WHEREAS, on October 14, 2003, by Resolution No. 2003-548, the City Council authorized the City Manager, or his designee, to submit a "Letter of Interest" to obtain necessary application instructions from the Department of Health and Human Services (HHS) for the surplus property located on 1230 12<sup>th</sup> Street, Modesto, (GSA No. 9-G-CA-1610), previously used by the Social Security Administration (SSA), and

WHEREAS, the City of Modesto needs and can utilize said property for public health purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Council is informed, including commitments regarding use and time such use shall commence, and

WHEREAS, the property consists of a .62-acre corner lot improved with an 11,957-square-foot office building and 24 paved outdoor parking spaces, with the zoning designation as C-2 (general commercial), and the building is handicapped accessible, and

WHEREAS, the building contains lead-based paint and does not meet current seismic standards, and the cost estimate for both structural and nonstructural seismic retrofit is \$58,860, and

WHEREAS, asbestos-containing material (ACM) in the form of wallboard joint compound is located throughout the building in the walls and ceilings, and the ACM is in good condition and is non-friable, and

WHEREAS, although the building is in good condition, the mechanical and electrical system and the roof are the major items requiring repair and/or replacement, with the total preliminary estimate to rehabilitate this building approximately \$400,000, and

WHEREAS, it is estimated that the total costs to complete the rehabilitation and furnishing of the facility will be approximately \$600,000, and

WHEREAS, of the \$600,000 figure, the City of Modesto has budgeted \$305,752 through the 2003-2004 Annual Action Plan, and the County of Stanislaus has tentatively set aside \$100,000 from their CDBG funds for the project at this time, and staff proposes that the remaining \$194,248 come from the City's CDBG Revolving Loan Fund, and

WHEREAS, staff proposes that the building could be utilized for several necessary purposes, including:

- Offices, meeting spaces and storage for the many governmental, non-profit and faith-based agencies involved in the Stanislaus Housing and Support Services Collaborative that provides services to the homeless, and
- Offices for the Restorative Police Function and Bicycle Officers. The Restorative Policing Program, in collaboration with the Behavior Health and Recovery Services, is designed to address adults with mental illness or other disabilities that are at high risk of being repeatedly victimized or arrested for activities related to their disability,

and

WHEREAS, if the City's application request is approved, the City of Modesto and the Collaborative's agencies could work in coordination to rehabilitate this facility for the outlined uses, and

WHEREAS, it is expected that eventually the Collaborative will be the agency to oversee this facility, and

WHEREAS, at its meeting of October 7, 2003, the Safety and Communities Committee supported submission of an application for the use of 1230 12<sup>th</sup> Street, Modesto, (GSA No. 9-G-CA-1610), previously used by the Social Security Administration (SSA), and

WHEREAS, at its meetings of October 10, 2003, the Citizens Housing and Community Development Committee also supported submission of this application, and

WHEREAS, on January 6, 2004, by Resolution 2004-019, the City Council approved the submission of the application, and

WHEREAS, on February 9, 2004, the City received a letter from the Department of Health and Human Services requesting a resolution with additional information,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has legal authority, is willing, and is in a position financially to care for and maintain the property.

BE IT FURTHER RESOLVED that Jack R. Crist, the City Manager, or his designee, is hereby authorized, for and on behalf of the City of Modesto, to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the property.

BE IT FURTHER RESOLVED that if the City of Modesto is unable to place the property into use within the time limitation of 18 months, it is understood that the City of Modesto will pay to the Department the sum of 1/360 of the fair market value for each month of nonuse, beginning 18 months after the date of the deed, or 36 months where construction or major renovation is contemplated.

BE IT FURTHER RESOLVED that Resolution No. 2004-019 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-123**

**A RESOLUTION SUPPORTING THE EXTENSION OF A 1/8 CENT SALES TAX  
WHICH WOULD FUND THE STANISLAUS COUNTY LIBRARY.**

WHEREAS, the Stanislaus County Library is seeking continued funding through an extension of a 1/8 cent sales tax; and

WHEREAS, an election will be held on March 2, 2004, whereupon the voters will be asked to extend the 1/8 cent sales tax to assist in funding of the Stanislaus County Library; and

WHEREAS, the Stanislaus county Library is requesting cities in Stanislaus County to support the extension of the 1/8 cent sales tax which supports the Stanislaus County Library by adoption of this resolution, and a certified copy of this resolution shall be delivered to the Stanislaus County Library;

NOW BE IT HEREBY RESOLVED by the Council of the City of Modesto hereby endorses the March 2004 election in support of the extension of the 1/8 cent sales tax which funds the Stanislaus County Library.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-124**

**RESOLUTION ACCEPTING THE ANNUAL REPORT FOR THE 2001-2004  
*STRATEGIC PLAN AND VISION***

WHEREAS, in September 2000, Council and staff embarked on a strategic planning process to develop a Vision and *Strategic Plan* for the City, and

WHEREAS, the Vision forms the foundation for the *Strategic Plan*, and

WHEREAS, the Vision and *Strategic Plan* build upon previous visioning and planning efforts on the part of the City, and

WHEREAS, the City's organization structure has been realigned to reflect the City's Vision and *Strategic Plan*, and

WHEREAS, on June 18, 2001, Council held a Workshop to review the draft *Strategic Plan* and Vision and

WHEREAS, since that time, numerous public presentations have been made to receive comments on the Vision and *Strategic Plan*, and

WHEREAS, the Vision and *Strategic Plan* have been refined based upon public comments received during the review process, and

WHEREAS, the plan is intended to be a fluid document, which is modified from time to time, and

WHEREAS, a report of the current status has been brought to the Council in an annual update form,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the annual report for 2003 of the *2001-2004 Strategic Plan and Vision* as set forth in **Exhibit A**, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:


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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

## Completed/Completed-Ongoing/ Eliminated projects through 2003

Status

A

Lead Departm	Full Action	Project Status	Update Date	Milestone
CEDD	Develop apprentice and intern programs.	12/01 - Several City Departments have hired interns. Personnel has developed an intern policy. 1st class graduated 12/01, 2nd class in process	12/1/2001	2001-12
CEDD	Form development partnerships between the private sector and the Modesto Redevelopment Agency.	Hinchey office building, Kansas Avenue Business Park. Future items: housing, parking, hotel/motels	12/1/2001	2001-07
CMO	Seek state, federal and private grant funding for technology.	The City is currently applying for a grant related to code enforcement that is targeted for improving their services with wireless technology.	3/21/2003	Ongoing
CMO	Conduct quarterly town hall meetings held in different neighborhoods throughout the city.	The City continues to hold meetings to address issues specific to particular neighborhoods. Citywide workshops conducted during this quarter include: Housing (date of this)	7/9/2002	Ongoing
CMO	Work with Hispanic Media as a means for communicating with the Hispanic community.	The Communications & Marketing Division is currently working with representatives from Univision Channel 19, Telefutera Channel 27 and the El Sol newspaper to enhance communication methodologies between the City and each agency to outreach to the Hispanic community of Modesto.	7/19/2002	2002-01

CMO	Proactively seek state and federal funding for local projects.	<p>The City received 3 federal earmarks as part of the 2001-2002 budget cycle: 1) Bus Maintenance Facility, 2) Infrastructure in Distressed Neighborhoods, 3) Ninth Street Storm Drain. At present, we have 6 federal earmark requests pending: 1) Bus Maintenance Facility, 2) Virginia Corridor Rail-Trail Project, 3) Ninth Street Storm Drain, 4) AVL-CAD System for Police Cars, 5) Gallo Performing Arts Center Streetscape and 6) Partnership for Healthy Youth (lunchtime recreation programs).</p> <p>From the state, we received an earmark for the Tuolumne River Regional Park. We also received grant funding for the Briggsmore Gateway. Our state lobbyists are also assisting us in obtaining other grant funding for parks projects.</p>	7/9/2002 2001-03
E&T	Continue providing public education and collection mechanisms to prevent used oil from being illegally dumped in the storm drains.	<p>Staff continues to present pollution-prevention information and education at community meetings, elementary classrooms and community events. Events completed in 2003 include Stanislaus County Home &amp; Garden Show (March), Earth Day (April), Cinco de Mayo (May), and the Roselawn "Knock &amp; Talk" Community Education Day (May).</p> <p>In June 2002, staff began installing "Only Rain Down the Drain" storm drain stenciling in Spanish. To date, staff has installed more than 4,000 storm drain markers in Spanish. This storm drain project is supported by newspaper, radio, and billboard advertising.</p>	6/13/2003 Ongoing

E&T	Expand and enhance Earth Day celebration at Graceada Park	The Annual Earth Day in-the-Park event was held on April 12, 2003 and had 79 vendor booths. Sponsorship totaled \$19,300 in cash and in-kind services, an 8% decrease from last year. Attendance was low this year due to inclement weather conditions. Staff estimates there were approximately 3,000 people in attendance. Staff has confirmed the 2004 event for April 17th.	6/13/2003 Annually
E&T	Perform review of existing transportation-related documents and policies to ensure Smart Growth principles are included.  * Review General Plan * Review CFF * Review City Standards	Review and revisions of the General Plan is currently underway. Smart Growth principles will be included in any recommended amendments to the General Plan.	6/16/2003 2001-08
E&T	Design roadways to accommodate non-motorized uses in conformance with the City's Non-motorized Transportation Plan.	All new roadways and asphalt overlay projects will be reviewed for their compliance to the Long-Term Non-Motorized Transportation System and Bike Lane Implementation Strategy on existing streets.	6/13/2003 Ongoing
E&T	Develop street maintenance strategy linked to CIP and budget	CIP includes maintenance strategy projects, which are part of the City's 5-year plan for pavement maintenance.  Staff has presented Council with a prioritized list of street projects that have been programmed into the CIP. The State Budget shortfall will impact the budget available for pavement maintenance in the future. The CIP has been adjusted accordingly.	6/13/2003 2001-07

E&T

Develop and implement new programs which will increase resource recovery and diversion.

A pilot recycling program was started at 4 elementary schools in the Modesto City School District. District officials were very supportive and within the next 2 years we hope to have an established program at all locations.

6/13/2003 2001-12

Staff started a renewable energy projected working group to look at diverting cannery waste and other agricultural waste and converting it into energy. Support letters have been received from the community and staff will look at seeking Federal grant money to conduct a feasibility study.

E&T

Assess linkages between rail, air and bus transportation systems to ensure connectivity.

The Amtrak Station has curbside service hourly. A MAX route is within one block of the airline terminal.

6/13/2003 2001-08

United Airlines(UAL), code-sharing partner of SkyWest dba United Express, filed for bankruptcy protection in December 2002. UAL's financial problems will require a plan of reorganization and a possible reduction in United Express' service. Plans are underway to submit a request for Department of Transportation funding from the Small Community Air Service Development Program. Applications are due by June 30, 2003. Efforts are in the works to form a private/public consortium for air service and Horizon Air will provide their letter of support, which will be included as part of the application.

E&T	Assess efficiency of air and transit systems and implement improvements.	MAX cost per passenger, as well as other efficiency measures, consistently places MAX in the top 20% of transit agencies nationally.  The Airport air service marketing presentation has been updated, and a travel survey has been added to the Airport website. Original projection of direct service to Los Angeles International Airport continues to be valid.	6/13/2003 2003-01
E&T	Promote household hazardous waste collection sites and events year-round, financed via garbage disposal surcharges.	The permanent Household Hazardous Waste facility at 1716 Morgan Road continues to provide residents with free disposal of household hazardous wastes. The availability of this facility continues to prove successful in diverting illegal dumping and ensuring proper disposal.	6/13/2003 Annually
E&T	Promote the use of Amtrak for regional travel.	Amtrak is presently not designed to handle regional commuting. Amtrak is a private business and the City would be out of place in promoting it as something it is not, thus the wording on this item has been changed to drop the word commuting.	6/13/2003 2001-08
E&T	Continue to work with Stanislaus County to ensure any fees collected are being appropriately charged and allocated, including reevaluation of the Waste to Energy Plant contract and restriction of medical waste.	The Solid Waste Manager is continuing to work with the County in the City's best interest and monitors the County's financial transaction reports to ensure that revenues from fees are being used appropriately. The 10-year audit of the account is completed, and an audit of 2000-2002 is being initiated. A recommendation for a tip fee reduction will be considered by the Waste-to-Energy Executive Committee on June 12, 2003.	6/13/2003 Ongoing
E&T	Maintain Long Range Transit Plan and implement recommendations, as warranted.	A Long Range Transit Plan was adopted in August 2001. Recommendations will be implemented as warranted.	6/13/2003 Ongoing

E&T	Seek rate increases adequate to fund water/wastewater master plan strategies.	The Utility Rate Setting function has been reassigned to the Finance Department. Finance currently has a recruitment underway to fill a vacancy to take the lead on rate setting for the three utility enterprise funds.	2/7/2003 2002-12
E&T	Ensure quality and convenient services are provided for our customers.	Staff continues to oversee the garbage contracts and programs ensuring excellent services are being provided. Phone calls are being made weekly to all new residents to assist them with understanding our programs.  Staff has gotten involved in three City/Community projects: the Anti-Litter Committee, the Roselawn Team, and the Weed and Seed Project. This allows staff to meet directly with residents to hear their issues or concerns and provide information.  Staff began a pilot program in which the Solid Waste Office handles the investigation and removal of all illegal dumping that occurs on the street. This should result in cleaner streets throughout the City.	6/13/2003 Quarterly
E&T	Conduct annual rate surveys, updating program information.	Staff is currently in the process of the 2003/04 garbage rate and program survey, which will be completed in August 2003.	6/13/2003 Annually
E&T	Develop a program to maintain / improve the quality of containerized green waste.	Staff continues to enforce this program. We have partnered with Modesto Junior College and have a student intern checking containers weekly. 21 containers have been pulled for non-compliance since the start of this program. 766 yellow first-notice violations have been issued, and 112 red second-notice violations have been issued.	6/13/2003 Ongoing

E&T	Conduct annual rate reviews/cost-of-service analysis for water, sewer, storm drainage and garbage collection.	The Utility Rate Setting function has been reassigned to the Finance Department. Finance currently has a recruitment underway to fill a vacancy to take the lead on rate setting for the 3 utility enterprise funds.  Annual garbage rate review is underway.	6/13/2003 2001-10
E&T	Develop revenue sources for maintenance, beautification, right-of-way and construction that are linked to Capital Improvement Projects and budget process.	Proposed CIP budget for FY 03-04 includes revenue sources for maintenance, beautification, right-of-way and construction.	6/13/2003 2001-07
FD	Expand CPR & Early Defibrillation Training program to neighborhoods	The community CPR program continues with classes offered once a month. As part of our Community Emergency Response Training (CERT) program CPR is taught to CERT program attendees.	2/4/2004 2002-01
FD	Support Regional Fire Training Center and ensure City's participation is equitable	The Fire Department continues to play a major role in management of the RFTC. The use of the center continues to increase, and revenues are rising due to facility rental.	2/12/2003 Ongoing
FD	Coordinate a Citizen's Emergency Response Team.	The Community Emergency Response Team (CERT) was formed in November 2003. We had 63 citizens complete the training. This year we have received another FEMA grant to put on additional CERT classes. We are adding instructors and hope to train an additional 120 citizens in CERT.	2/4/2004 2002-12
FD	Complete Emergency Operations Center and develop working agreement with other jurisdictions	The Emergency Operations Center is complete, and a use procedure has been developed. A cost sharing agreement is again being negotiated.	6/12/2003 2002-01

FD	Collaborate with Ambulance Providers to improve response time and improve efficiency	<p>In November, 2002 Mountain-Valley Emergency Medical Services Agency (MVEMSA) completed the contract renewal process with all of the Ambulance providers in Stanislaus County. As required by the contracts, a "System Status Committee" was formed. The Emergency Medical Service Committee (EMSC) will continue to monitor information provided by MVEMSA staff and the stanind committees invoved with emergency medical services delivery within Stanislaus county. Through the EMSC, there are on-going discussions related to the merging of the ambulance dispatch services within the Stanislaus County Emergency Dispatch Center. As an interim step, the ambulance providers have all come under one roof at the AMR dispatch center located in downtown Modesto.</p>	2/12/2002 2002-06
FD	Develop Emergency Operations Plans for rotating outages, floods, earthquakes and other emergencies.	<p>The City of Modesto Emergency Operations Plan is an ongoing document that continually addresses the role of the City during various major emergencies. The plan needs annual updating and city-wide training on its use. The new updated plan will be distributed in the first quarter of 2004. A terrorism annex is being developed and will be added to the plan in the future</p>	2/2/2004 2002-05

O&M

Improve the appearance of key transportation corridors within the city, e.g. S.R. 99, Yosemite Boulevard, Briggsmore, McHenry, etc.

We have 33 NEAT teams doing litter pick up on streets. Of these, seven (7) of these are pay for service agreements. We have completed the Welcome Sign landscaping at Sisk and Briggsmore and the 19th and H Street Fountain project. We are implementing the 20/20 Vision Plan to improve/install landscape on 20 high-visibility sites throughout Modesto. [12/10/2003]

12/9/2003 2002-11

A beautification master plan is targeted for completion in the next two years for the SR 99 corridor from the Merced River to the Stanislaus River. Three wall planting projects have been completed in partnership with CalTrans, the Workforce Investment Board, and the City. A \$1.3 million TEA grant was approved for the Briggsmore interchange and other TEA grants are in the pipeline for future year consideration. Shrub and vine plantings have been completed along Briggsmore between Claus and Oakdale. The City is also partnering with Scenic America for the SR 99 Corridor and has implemented an Adopt-A-Right of Way program. [3/10/2003]

O&M

Expand public education program for rockwells. Developed "Go with the Flow" educational video; Estimated 1000 elementary students watched the video. Staff attended Principal/Teacher meetings to promote the Video and try to integrate it into class curriculums. Approximately 200-300 students took field trips and participated in classroom sessions conducted by a Stanislaus County-Tuolumne River pollution prevention awareness program. Approximately 75% of the 4th Graders in the urbanized area were provided with educational materials relating to pollution prevention and stormwater quality. Distributed more than 40,000 promotional and educational materials, including 4,200 new residential packets with recycling and storm drain information. An update to the 1996 Godbe Survey of residents was done in 2002. The survey found a 3% increase in rockwell awareness and a 4% decrease in residents believing that water in rockwells went to a treatment plant. [12/10/2003]

12/10/2003 Ongoing

Distributed more than 10,000 promotional and educational materials, including 1,200 new resident packets with recycling and storm drain information. Installed 4,000 Spanish placards and distributed more than 10,000 bilingual door hangers with "Only Rain Down the Drain" message. Attended numerous festivals and made presentations at elementary schools. [3/10/2003]

O&M	Work with permitting agencies to ensure the City meets NPDES requirements.	Staff has submitted the Stormwater Management Plan to the Regional Water Quality Control Board. The plan outlines specifics for meeting the NPDES Permit requirements. Staff is waiting for comments back. Staff is continuing efforts to coordinate permit required activities with other City Departments and divisions.	7/9/2002 Ongoing
O&M	Evaluate conversion of City vehicles to alternative fuel sources to improve air quality.	Fleet Services recently participated in a one-year deployment of 21 Neighborhood Electric Vehicles (NEV's) for evaluation in several applications. In addition, staff is in the process of purchasing three (3) more Hybrid sedans. Other alternative-fuel applications are being evaluated. [12/10/2003]  Staff has aggressively been purchasing Ultra Low Emission Vehicles (ULEV); 49 ULEV have been purchased in the last two years. Two Super Low Emission Vehicles (SULEV) have been purchased along with two Zero Emission Vehicles (ZEV). In addition, grant funding has been sought for two additional ZEVs.  Repowered 18 older model diesel buses with clean-burning diesel engines. Only clean burning low sulfur diesel fuel is now being purchased for the fleet. [3/10/2003]	12/10/2003 2002-01
O&M	Support and expand use of Self-Directed Work Teams.	Forestry teams have reached a level of maturity. They are performing meeting functions that has allowed them to learn a few tasks that had been the responsibility of supervisors. The biggest result of teams has been a general move to the employees solving minor relational problems.	3/14/2003 Ongoing

PD	Incorporate CPTED Crime, Health & Safety Prevention Principles in planning documents (Zoning Ordinance/General Plan)	Training for all City departments in the CPTED principles completed. Crime Prevention assigned to the Area Offices will work in collaboration with other City departments to incorporate CPTED concepts. Part of ongoing projects	12/8/2003 2002-12
PD	Implement a Chief's Advisory Council to work on community and neighborhood problems	Up and running with monthly meetings.	12/11/2003 2001-08
PD	Expand and Improve National Night Out	The National Night Out Committee functions almost year-round. It obtained a National First Place for Modesto's 2002 National Night Out. Results for National Night Out 2003 competition are expected to be excellent. The Committee is planning to compete well again in its 2004 National Night Out.	12/8/2003 2002-08
PD	Utilize Gang Unit in a preventive role	During 2003, the Gang Unit has made over thirty presentations to schools - students and faculties, the NAACP, the Modesto Teachers' Association, and businesses. Additionally, the Unit has been extremely proactive in cooperation with the Tactical Patrol Unit and SWAT in working on known gang hotspots. The Units have cleared two homicide investigations, lowered the overall call load for gang disturbances and activities. The Unit also joined in a partnership with Stan.Co. Probation concentrating on a Violent Juvenile Offender Program.	5/1/2002 2001-12
PD	Build Relationships with the City's Latin and SE Asian communities.	The Department has membership on the Hispanic Leadership Council, partnerships with HLC and NAACP, interaction with the Latino Round Table, GI Forum and the various citizen academies such as Vietnamese Laotian.  The eleventh Spanish Speaking Citizens' Academy was completed and a Russian Citizens' Academy is in progress.	12/12/2003 2002-10

PER	Invest in enhancing education levels of City employees through our Tuition Assistance and Training Allowance Programs.	Plans are being made for a summer workshop to be open to all employees for further explanation of our tuition assistance program. Has been achieved and will continue to be an ongoing goal for the program. Goal has been met and exceeded.	2/15/2004	Ongoing
PER	Collaborate with the County on enhancing private-public partnerships for the Annual Safety Faire.	Participated in Annual Safety and Wellness Faire at Modesto Centre Plaza on May 21-23.	7/16/2002	2002-05
PER	Support Mid-contract Interest-Based Resolution of issues with all bargaining units.	MCEA Problem-Solving Committee is very active and continues to meet every 4-6 weeks.	7/22/2002	Ongoing
PER	Implement a Problem Solving Committee with MCEA.	MCEA Problem Solving Committee is very active and continues to meet every 4-6 weeks.	3/1/2002	2001-01
PER	Reward performance and innovation through Employee Recognition and Suggestion Programs.	Systems changes are being made to allow for on-line nomination of recognition candidates and on-line submittal of Bright Ideas. Has been achieved and will continue to be an ongoing goal for the program. Goal has been met	12/31/2003	Ongoing
PER	Deliver training to City employees on a variety of work-related topics and Promote Supervisory and Customer Service Academies.	The Training Division continues to plan and deliver both on-site and off-site coursework on a variety of topics. Legal Training Consortium classes have been held twice during the first half of the Fiscal Year. Additional in-house and outside courses will be held during the second half of Fiscal Year 04. Supervisory and Customer Service Academies beginning 04.	2/15/2004	Ongoing
PER	Provide tuition assistance to allow employees to work & earn college degrees.	Plans are being made for a summer workshop to be open to all employees for further explanation of our tuition assistance program.	3/10/2003	Ongoing
PER	Identify Critical Knowledge, Skills and Abilities for specific job classes to clearly distinguish the best qualified candidates.	12/14/01 - The Personnel Department continues to update job description and has taken 10 job specs to council for revision this calendar year (03). An additional seven new job classifications have been established during the same period.	2/15/2004	Ongoing

PER	Participate in Community Activities, marketing the City as an inclusive employer.	12/17/01 - In November, Jason Mauga had a speaking engagement at CSUS Turlock to discuss employment opportunities in conjunction with available City internships, serving as a panel member for the discussion alongside other business entities within the community.	12/17/2001 Ongoing
PER	Update policies to ensure they Promote Fairness and Provide for Equal Opportunity.	12/14/01 - City's Policy Against Harassment complete; sent to all employees on 11/20/01.	12/14/2001 Ongoing
PER	Participate in apprentice and intern programs.	<p>The goal of City Internships is to create and stimulate career interest in Public Service and to market the City of Modesto as a viable option for employment. There are currently 14 student interns working for the City of Modesto. 2 in the City Manager's Office, 6 in Engineering &amp; Transportation, 1 in Operations and Maintenance, 3 in Parks, Recreation and Neighborhood, and 2 in Information and Technology. The City recruits interns from local high schools, colleges and Cal-Work type partnerships. By July 2002, the City will hire on an additional 5 interns for special summer work programs.</p> <p>During the fourth quarter of this fiscal year, the City marketed its internship program by attending the Cinco De Mayo celebration, sponsored by the Hispanic Chamber of Commerce &amp; Cal State Stanislaus, Meet the Firms Night, Two Job Fairs at Modesto Junior College, one Job fair at the Center Plaza and one High School Career Fair. Additionally, several flyers were distributed and posted at specific departments within the High school and College institutions.</p>	7/16/2002 Ongoing

PR&N	Partner with promoters to make X-Fest a viable, safe event.	Xfest 2003 was a truly outstanding event. Several changes were implemented to make it even better. The most critical was the site location being moved two blocks to the south and new entry locations were established. The 2004 Xfest has already been approved by the City Council.	12/1/2003	Ongoing
PR&N	Expand and enhance the Art in Public Places program	The Public Arts Committee continues to meet on a monthly basis. They have developed a set of guidelines for public art and have created goals.	2/20/2003	2002-12
PR&N	Expand recreation programming offerings to include Visual, Literary and Performing Arts Courses.	The Child Services organization offered 36 specialty classes that were visual, literary or performing arts. The organization continues to recruit instructors for specialty classes in the arts. Art classes co-sponsored by the Central California Art League have also been added.	12/2/2003	2002-06
PR&N	Assist and support the activities of local performing and visual arts groups.	Applications for funding for the 2004-05 fiscal year will be released in January 2004.	12/2/2003	Ongoing
PR&N	Use the Culture Commission to develop funding priorities for cultural expenditures	Funding recommendations were presented to City Council.	7/19/2002	Ongoing
PR&N	Expand the market and evaluate costs for use of Centre Plaza and Tenth Street Place Plaza area.	The Centre Plaza Five-Year Plan is being used as a guideline to create new business and maintain optimal service levels for regular users.	12/2/2003	2003-05
PR&N	Support Poetry Writing Contest and Poetry Reading at the Mansion	The 2004 Poetry Contest applications are available.	12/2/2003	Ongoing
PR&N	Strengthen, define roles, track & collaborate on Code Enforcement efforts	An Inter-Departmental team developed a plan to address various code enforcement issues. Code Enforcement staff is participating in the Roselawn Weed and Seed Program.	12/2/2003	2002-07
PR&N	Support Rights of Passage Programs for teens	Staff recruited 20 to 30 young men and ensued between February to April 2002. Ten people completed the project.	7/19/2002	Ongoing

PR&N	Look for opportunities to expand open space within the urban area, including development of the Virginia Corridor and expansion of the boundaries of the Tuolumne River Regional Park.	Property along Scenic Drive at the foot of Coffee Road was acquired. The Mensinger Trail and the second phase of the Hetch-Hetchy trail were dedicated. The Redevelopment Agency is looking at property in the Hetch-Hetchy planning area and a park site in the Fairway neighborhood/	2/10/2003	Ongoing
PR&N	Provide financial assistance for the State Theater and seek opportunities to expand use of that facility	Staff continues working with the State Theater on event issues including front of house and production.	12/1/2003	Ongoing
PR&N	Market Existing Neighborhoods.	Newsletters continue to be posted on the City's web page.	7/19/2002	2002-12
PR&N	Establish and define partnerships with non-profit organizations to obtain Public Service Grants	The RFP cycle for 2003-2004 CDBG grants with non-profits opened on February 5, 2003 and closed on February 28, 2003. Staff conducted two technical workshops in conjunction with these grant opportunities.	6/4/2003	2002-06
PR&N	Seek Opportunities for Collaboration in other areas, e.g. recreation planning, citizens health & safety academy	Staff collaborates on many of the department's programs and activities.	2/20/2003	Ongoing
PR&N	Examine potential to retrofit and/or beautify existing single-use facilities.	Dual Use Policy is now in place. The Grecian basin is starting to go into review as that area is completing it's development.	12/2/2003	2003-07
PR&N	Partner with and assist sponsors of Cultural Festivals, including: * International Festival * Greek Festival * Highland Games * Hmong New Year Celebration * Cinco de Mayo * September 16 Event * Others	The department provided support to Cinco de Mayo celebration, the Fourth of July Parade, picnic and fireworks, the International Festival, and the Hmong New Year.	12/3/2003	Ongoing
PR&N	Increase the use of the McHenry Museum and Mansion for public gatherings	The auditorium at the Museum is being improved to encourage additional use.	12/2/2003	Ongoing

PR&N	Increase use of Mancini Bowl	Staff continues to book many reservations of the Bowl. Increasing use is difficult, since many potential renters want amplified music. Staff looked into improving the lighting and found the cost to be prohibitive.	7/19/2002	2002-07
PR&N	Organize Special Events at historical facilities	Special events are enumerated weekly in the City Council's FYI.	12/2/2003	2003-12
PR&N	Expand and enhance Multicultural Diversity training	The "Day of Empowerment" was held in September 2003. Multi-cultural training also took place.	2/20/2003	2002-03
PR&N	Expand Fourth of July Parade to include wider community representation	Staff met and discussed the 2004 Fourth of July parade. City staff from both the Recreation Services and Cultural and Enterprise Services Divisions will work with the Modesto Jaycees in coordination of the parade. The City Council has approved funding in the amount of \$10,000 annually.	12/2/2003	2002-07
PR&N	Participate in planning and promotion efforts for the Modesto Relays	The 2003 Modesto Relays was a success. Staff will be working with Save Mart Cares for the 2004 Modesto Relays.	12/1/2003	2002-05
PR&N	Work with West Modesto King Kennedy collaborative and Twenty-first Century Learning Grant program to promote the Juneteenth Event	Juneteenth was held on June 19-21, 2003, with 1,500 to 2,000 attendees. Staff will plan next year's event in early 2004.	12/2/2003	Ongoing
PR&N	Participate in planning and promotion efforts for the Martin Luther King, Jr. celebration and speech	A successful Martin Luther King, Jr. event was held on January 17, 2003. The City co-sponsored Mae Jemison's presentation. Staff is planning to co-sponsor Cornel West's presentation in January 2004.	12/2/2003	Ongoing
PR&N	Coordinate Neighborhood Cleanup in the Yosemite/Airport District.	This event is now city-wide. It still occurs twice per year and is very successful. Staff is also looking into amending the Municipal Code for litter control.	12/2/2003	2002-12

PR&N	Use Neighborhood Volunteers to perform projects that enhance neighborhood aesthetics and form opportunities for social interaction	Staff has hired a coordinator and the program is underway toward full implementation. Target neighborhoods include E. Morris & Kimble, Kansas, Rosemore, and the Airport area. Staff is still in the process of training, with plans to be fully operational by February 2004.	12/2/2003 2002-06
PR&N	Increase After School Programs for youth in the City.	Staff received a grant and has used matching funds to offer more After School Learning programs at the elementary levels.	7/19/2002 2002-12
PR&N	Seek funding for and implement the Tuolumne River Regional Park Master Plan	Staff has continued to visit Sacramento and the local legislature to secure funding. Grant applications are out for future phases of the Gateway Parcel.	12/2/2003 Ongoing
PR&N	Coordinate with the County and local businesses to develop events/uses for the Tenth Street Place Plaza and surrounds.	Staff secured a sponsor and organized a Brown Bag Lunch Concert Series in the spring 2003. Staff plans to hold this event annually and is planning the next concert series for the fall of 2004. Staff booked a total of 65 events that were held in Tenth Street Plaza, with 3 scheduled for December.	12/1/2003 2002-05
PR&N	Create events which Foster Interaction between all High Schools.	MoBand is currently fulfilling this action item. Also upcoming teen movie nights and movie in the park are also in the works.	6/4/2003 Ongoing
PR&N	Identify ways to Involve Youth in Strategic Plan Implementation	Annually staff works with the Youth Commission and other youth that have shown an interest in youth issues to discuss what are some ways to better implement the strategic plan items that concern youth. During the month of August or early September, staff met with the commissioners to go over the relevant actions of the Plan in an effort to direct attention in these directions, thus creating goals for the Youth Commission.	2/10/2003 2002-07

PR&N	Expand programming and uses of King Kennedy Center	Recreation & Neighborhoods staff is working to secure private funds for the continued operation of the PARTY MOBILE at school and neighborhood sites.	12/2/2003	2002-12
PR&N	Increase Citywide participation at the Skate Park	Staff is currently looking at alternatives for the operation of the skate park.	12/2/2003	2002-07
PR&N	Coordinate and expand annual Celebration of Lights	Staff was successful in recruiting a large number of city employees as volunteers to work the day of the parade. It was the largest number of staff participation to date. The 2003 Celebration of Lights was successful, attracting large crowds to downtown Modesto to watch the parade and tree lighting. Parade Grand Marshal, Grace Lieberman, led the parade with the theme of "Toys in Dreamland". Festivities at the tree lighting included holiday music and a visit from Santa.	12/1/2003	2002-12
PR&N	Provide financial assistance and law enforcement support for MoBand	The 84th year of the Mo Band concerts was a big success. A new filming platform at the rear of the bowl was in place and allowed filming without obstructing the views of concert-goers. The Parks, Recreation and Neighborhoods, Operations and Maintenance and Police Departments provided a variety of services weekly to ensure the success of the concerts.	12/2/2003	Ongoing
PR&N	Expand the Park Partners Program to make maximum use of public funds.	The park partners program will be used in the near future for Sharp, Mark Twain and John Muir parks for playground equipment upgrades and new installations. The Dog Park will use the park partners process, but will not use any Park Partners funds.	6/4/2003	Ongoing
PR&N	Expand and Enhance the Sister Cities program	Delegations visited France (for a potential sister county agreement) and Aguascalientes Mexico.	6/4/2003	2003-12
PR&N	Ensure Crime Free Multi-Housing Addenda are attached to federally-funded agreements	This requirement has been placed on all applicable HOME funded loans.	12/31/2001	2001-12

PR&N	Expand First Time Homebuyers program using CDBG HOME funds	Staff is still providing down-payment assistance to qualifying families.	2/20/2003	2002-07
PR&N	Seek opportunities to market and expand the Down Payment Assistance Program	Presentations were made. Additional amendments were added to the program guidelines.	2/20/2003	2002-07
PR&N	Provide for Dual Use of storm drain and other infrastructure facilities wherever possible	Coffee-Claratina Park will be completed in Spring 2004. This has a dual use basin/park element - the first of it's kind in recent development.	12/2/2003	Ongoing
PR&N	Use Community-Oriented Governance to connect people to services	Community Oriented Governance is incorporated into all of the department's programs, activities and services.	2/20/2003	2002-12
PR&N	Create Health Services Partnerships for delivery of services (e.g., flu shots, blood drives) from City facilities and/or through partnership programs	The Senior Citizens Organization is partnering with the Stanislaus County Health Department that provides a Registered Nurse to do health exams twice weekly. The Health Department conducted two flu shot clinics with 550 seniors receiving shots.	2/10/2003	Ongoing
PR&N	Expand Mental Health/Substance Abuse treatment capabilities through projects such as the Fifth Street Project	The Fifth Street Project is operational.	7/19/2002	2002-07
PR&N	Attract Private Investment in quality housing for working citizens through wisely investing public dollars	City council approved two new projects on April 9, 2002: 3333 Carver Road, and Miller Pointe.	7/19/2002	2002-12
PR&N	Work with the Youth Commission to develop more activities for teens in the community, including: * Coffee Shop * Concerts * Y Fest * Movie Nights * Game Shows	The Youth Commission has decided to offer a Teen Movie night during the summer. The dates for these events are late July and August. The Youth Commission has voted on which movies they would like shown during these nights. The sub-committee is currently discussing what types of activities would complement each movie and their themes.	12/2/2003	2002-07
PR&N	Partner with schools in the Character Education Program	This action is complete.	12/2/2003	Ongoing

PR&N	Educate the public by promoting housing success stories.	Staff is currently workin on a pre-development loan for multi-family housing in Village One.	2/20/2003	Ongoing
PR&N	Continue and expand the MoBand Café for teens.	The commissioners and staff are working with the Police Department to offer the MoBand Café until 10:00 p.m. every week during the MoBand season. The Parks, Recreation and Neighborhoods Department has budgeted funds to have a variety of activities available for all six weeks of the concert series. Staff and the commissioners are currently working with other agencies in an effort to provide education and information to teens on issues that relate to their age groups.	6/4/2003	2002-06
PR&N	Look for opportunities to Bring Students from Different High Schools Together in non-confrontational settings.	Moband is currently in place; staff and Youth Commission have sponsored teen movie nights.	12/2/2003	2002-12
PR&N	Offer a Place for Teens to Gather between the hours of 9pm and midnight.	Moband is currently in place, staff and Youth Commission presented summer teen movie nights. Youth Commission will continue to consider a coffee house, Y-Fest and other evening opportunities such as dances and teen nights throughout the community.	12/2/2003	2003-12
PR&N	Involve youth in planning and implementation of Youth Activities.	The Youth Commissioners hosted a very successful Youth-in-Government Day. Three local youth were recognized through the Honoring Outstanding Youth program. Movies in the Park will take place during the summer months, and MoBand Café will be held during the MoBand concerts. The Commission will continue to play an active role in the implementation of all activities they represent.	6/4/2003	Ongoing

PR&N	Expand and enhance the Youth in Government Day.	The County participated in the job shadowing portion of this event. Four additional schools were invited to participate in the all day program. The commission was able to negotiate a favorable price for the luncheon portion of the day, which meant that the commissioners and advisory board members had time to participate in the job shadowing. It has also allowed an increase in participants from 200 to 300.	6/4/2003 2002-02
PR&N	Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc.	Beyer Park and Graceada Park picnic shade structures are completed. The pool will be upgraded at Davis High School, and the Maddux Youth Center Improvements have been accepted by the council - Construction documents to follow.	12/2/2003 Ongoing
PR&N	Partner with schools to enhance After School Programs	The City partnership with the grant received by the Modesto City School District at four school sites was completed. Preparations to begin in the fall are now being arranged. The City was a partner in a grant received by the Modesto City School District for \$370,000 annually for three years. Funding will serve 280 kids daily at 4 school sites.	7/19/2002 2001-12
PR&N	Build Neighborhood Connections to work on neighborhood-based issues	Grants for neighborhood improvements were issued to Orville Wright Little League to renovate their baseball diamond at Orville Wright school, to Habitat for Humanity for projects in the Airport Neighborhood, and to the Volunteer Center for a project at the Redwood Family Center.	12/3/2003 2002-12
PR&N	Recognize and provide support to Organized Neighborhood Groups	Mini-grants were awarded to Habitat for Humanity and the Volunteer Center of the United Way.	6/4/2003 Ongoing

PR&N	Increase Scholarships and Co-sponsorships of sports groups	Staff continues to work with co-sponsored groups to ensure that local youth have safe and rewarding sports experiences. The County was unable to continue its contribution for youth residing outside Modesto's City Limits.	12/2/2003 2002-07
PR&N	Improve inter-departmental coordination to be certain non-motorized facilities are considered for grant funding and are included as part of motorized project design.	A Transportation Action Committee (TAC) has been formed. A Non-Motorized Transportation Plan update is being developed.	12/2/2003 2002-07
PR&N	Seek opportunities to expand Formal Co-Sponsorship of Recreation Programs in the community	Staff is working with contractors to develop a marketing video showcasing the department and its activities and the opportunities for co-sponsorships and donations and to develop an Asset Inventory and Valuation Audit, in order to be better placed to seek endowments, donations and other forms of funding.	12/2/2003 2002-12
PR&N	Expand role in United Way Impact Councils: <ul style="list-style-type: none"> <li>* Building Strong Neighborhoods</li> <li>* Children &amp; Youth</li> <li>* Providing a Safety Net for the Disadvantaged</li> <li>* Promoting Health &amp; Well-being</li> <li>* Strengthening Families</li> </ul>	Staff actively participates on all United Way Impact Councils that have relevance to the department's mission.	2/20/2003 2002-06

PR&N	Facilitate and evaluate Community Wide Festivals/Events	<p>Staff worked with the Downtown Improvement District and the State Theatre to plan and coordinate Rock'n Rods, a new community festival, which was held in June, with plans to be an annual event. It included a display of classic vehicles lined up along J Street. The event also featured two different entertainment stages, one at each end of the event area, strolling entertainment, beer gardens, and a children's activity area.</p> <p>A salsa Festival with Comedian George Lopez was coordinated with the Modesto A's. It was quite successful and will be brought back next year.</p> <p>The Octoberfest this year took on a new twist. The festival featured a prominent concert band - America. The event was attended by about 4,000 people.</p>	12/1/2003 Ongoing
PR&N	Support and expand the uses of John Thurman Field	<p>Concert power was installed at JTF to meet the power requirements of large outdoor shows and special events. The back stop netting also went through a retrofit that allows it to be lowered to give everyone clear views of concert stages. With the added seating capacity and power, John Thurman Field hosted some major events, including the 9-11 Memorial with Oliver North as guest speaker, an expanded Octoberfest with rock group America, and a sold-out comedy show featuring George Lopez.</p>	12/2/2003 2002-07
PR&N	Increase exposure to First Sundays Educational Program at the museum/mansion	<p>First Sundays will begin in February and will run through June.</p>	12/2/2003 2003-03
PR&N	Link Service Delivery to Neighborhoods	<p>Staff provided a workshop for neighborhood groups on the process to form a non profit organization.</p>	2/20/2003 2002-12
PR&N	Celebrate cultural diversity through Picnics in the Park	<p>Events were held June through August, 2003. Plans are to hold this event in 2004.</p>	12/2/2003 Ongoing

PR&N	Seek support and guidance from Citizen's Advisory Groups, including Board of Building Appeals, Citizens Housing and Community Development Committee, Community Qualities Forum, Golf Courses Committee, Housing Rehabilitation Loan Committee, Tuolumne River Regional Park Citizens Advisory Committee and Youth Commission	The department provides full staff support to the Culture Commission, Landmark Preservation Commission, Golf Courses Committee, Tuolumne River Regional Park Citizens Advisory Committee, Tuolumne River Regional Park Commission, Community Qualities Forum, Convention and Visitors Bureau Board, Citizens Housing and Community Development Committee, Housing Rehabilitation Loan Committee and the Youth Commission.	2/20/2003	Ongoing
PR&N	Involve the community in Park/Recreation Facility Design and development	Each project presented for development goes through a public comment and review period, facilitated by community meetings, council committee and council meetings. Park Partners also facilitates this activity.	12/2/2003	Ongoing
PR&N	Build Relationships with and Increase Services to all sectors of the community	Neighborhood interns are continuing with outreach to the neighborhoods in order to improve services. Staff actively participates in the Housing and Support Services Collaborative.	12/2/2003	Ongoing
PR&N	Schedule Quarterly Meetings with community groups to discuss items of community importance	Staff worked in all neighborhoods to form the CDBG Annual Action Plan.	12/2/2003	2002-12
PR&N	Expand and enhance educational programs at the McHenry Mansion and Museum	A number of exhibits were held at the McHenry Museum:	6/4/2003	2002-05
PR&N	Expand inventory of designated Landmark Preservation Sites	A property on W. Morris was designated as a Modesto Landmark Preservation Site.	12/2/2003	2003-07

Status

C

Lead Departm	Full Action	Project Status	Update Date	Milestone
CEDD	Focus housing set-aside funds within the redevelopment area.	Housing proposal under review.		2003-07

CEDD	Partner with MID/TID to designate a percentage of revenues for utility undergrounding & identify key view corridors for priority undergrounding.	To be initialized.	Ongoing
CEDD	Review and update CFF, CFD and Utility Capital charges on a regular basis to ensure that fees are adequate.	CFF and Development User Fees increased 9/03 and 10/03.	7/22/2002 Annually
CEDD	Establish project review method that includes public participation and community meetings.	12/01 - Implemented - BZA, EDC committee and council forums, all of which offer public participation. Planning hosts neighborhood focuses needed.	12/1/2001 2001-12
CEDD	Assist minority organizations to create a Community Development Corporation.	12/01 - DLA designated as CBDO 12/2000	12/31/2001 2001-12
CEDD	Protect future business park areas in the General Plan from encroachment by non-industrial land uses.	12/01 - Implement - the general plan designates and protects business park areas	12/1/2001 2001-07
CEDD	Ensure school districts are included in development review and annexation process.	Procedures in place	6/13/2003 Ongoing
CEDD	Periodically review development fee schedule and benchmark with surrounding communities.	12/01 - Report Completed	12/1/2001 Annually
CEDD	Review and revise Zoning Ordinance to provide added flexibility/opportunities for housing.	Code amended to provide for housing in commercial zones	6/13/2003 2003-07
CEDD	Ensure that environmental policies affecting economic development of the region are developed with the involvement of local governments in Stanislaus County.	Council authorized \$50,000 in additional funding for community-based partnerships for FY 2001-2002.	12/31/2001 2002-07
CEDD	Work with utility companies to ensure proper placement of new utility lines and facilities.	Referral process in place	6/13/2003 2003-01
CEDD	Revise development review and Specific Plan process to create an Interdepartmental Review Team	Inter-departmental Development Review Team formed in January 2002. Meetings are held weekly to review development projects and look at ways to improve development process.	4/3/2002 2002-09

CLK	Research and develop internal Auditor position.	12-27-01: Position filled August 2001. Performance audit of the Parks, Recreation, and Neighborhoods Dept. HOME, CDBG, and ESG programs scheduled for completion 5/02. Performance audit of the Community Development Department demolition permit program scheduled for completion 1/02. Compliance report on Nirvana Drug and Alcohol Treatment Program's compliance with financial systems conditions in loan and grant agreements scheduled for completion 12/01.	12/27/2001 2001-07
CLK	Create an Audit Committee of the City Council to oversee and set policy guidance for audit system development.	The audit committee considered the following: 1. The audit plan for the current fiscal year was adopted and subsequently presented to and adopted by Council. 2. The CityGate Associates performance study of the CDD operations. 3. The internal auditor presented the audit report on the Police Dept. Investigative Services Division cash fund audit.	12/31/2001 2001-08
CMO	Negotiate aggressive rebuild of the Cable television system to include high-speed internet connections.	Digital cable is now available from Comcast, with Internet access date to be announced.	3/21/2003 2001-01
CMO	Improve the Performance Measure Reporting System to enable the City Council and citizens to make informed allocation decisions.	Draft reporting system was approved by the Safety & Communities Committee in June (Fire Pilot). Council review will occur in July.	7/9/2002 2002-07
CMO	Develop Strategic Plan Reporting Process.	12-10-01. Revised Strategic Plan has been entered into a database. Departmental staff have been trained to input data into the database form which is accessible to identified departmental personnel. First formal reporting is scheduled for January 2002.	12/10/2001 2001-11
E&T	Hire lobbyist to seek state transportation funds.	12-21-01 - Contract signed in March.	12/21/2001 2001-03

E&T	Remodel the old police station.	Bids were open on 11/27/01. The apparent low bidder was Bollo Construction from West Sacramento at \$2,279,820. Work has been completed.	2/7/2003	2003-01
E&T	Integrate City Traffic Signals with signals controlled by Caltrans for optimal traffic management.	Traffic Signal Retiming Project is complete. Minegar and Associates has developed and submitted their final report. The final report shows a benefit of fuel savings to be approximately \$9.5 million per year city-wide. Additional benefits identified are a major reduction in air pollution and travel delay. These are extraordinary results. The final results were presented to the City Council in July, 2002. Request for Proposals for retiming of downtown traffic signals will go out in April 2003.	2/7/2003	2003-07
E&T	Develop & revise streetscape policies to reflect aesthetics and high quality design. Preserve natural terrain, drainage and vegetation wherever possible.	11-30-01 - City downtown streetscape approved by CLIC of BIA. Included in the new Standards, effective January 1, 2002.	11/30/2001	2001-12
E&T	Revise practices for oversight and regulation of developer-installed infrastructure.	11-30-01 - The new Standard Specifications have some enhanced features. New standards become effective January 1, 2002.	11/30/2001	2001-08
E&T	Adopt the Urban Water Management Plan Update which addresses water supply issues related to growth and water quality.	Urban Water Management Plan was adopted by Council in September 2001.	4/30/2002	2003-01
E&T	Conduct Council workshop to provide information about the Del Este water system and water/growth issues.	11-30-01 - Completed with the adoption of the Urban Water Management Plan on 9/18/01.	11/30/2001	2001-04
E&T	Develop dual-use basins in commercial/industrial applications.	Included in Stormwater Standards update, adopted by Council in November 2002	2/7/2003	2002-03
E&T	Adopt "Design Standards for Dual- Use Flood Control/Recreation Facilities" manual.	12-21-01 - Adopted December 2000.	12/21/2001	2000-12

E&T	Revise storm drainage standard to require that structures be built above the 100-year storm event level.	New standard specifications for storm drainage were developed and adopted by City Council in November 2002.	2/7/2003	2002-05
E&T	Adopt roundabout policy.	City Council adopted the Roundabout Policy on September 3, 2002.	2/7/2003	2002-10
E&T	Expand private hangar space. Assist SkyTrek Aviation and Foster Farms with the occupancy of hangars under construction	Construction of Corporate Hangars is now complete and Sky Trek Aviation and Foster Farms have taken occupancy of their newly constructed hangars. Sky Trek Aviation has lost interest, at this time in another property option.	2/7/2003	2001-10
E&T	Identify bottlenecks and low service levels, real and perceived, in the city's road network.	Project completed. List of bottlenecks was presented to the City Council on April 24, 2002. Staff was directed by Council to prioritize the list. Staff will develop a priority list, as directed by Council.	7/18/2002	2002-01
E&T	In accordance with AB939 regulations, prepare a resource recovery assessment that includes:  * reevaluation of recycling program, including curbside pick up and/or better distribution of blue bags * green waste strategies * composting	In February 2003, the California Integrated Waste Management Board (CIWMB) approved a recycling diversion rate of 61% for the year 2000. Therefore, The City of Modesto has successfully met and surpassed the required diversion mandate of 50% in the year 2000. The CIWMB has complimented the City on the numerous programs it has implemented and offers to its residents.	2/7/2003	2001-08
FD	Benchmark Against National Standards for emergency response	A new procedure has been developed and implemented to improve response accuracy to alarms. Several response types have been reclassified to improve system reliability.	2/12/2003	2002-07
FIN	Reevaluate sales tax agreement with County to increase revenue base.	After a review, it was determined that the current Tax Sharing agreement with the County was the result of a negotiation process that lasted more than a year and generates in excess of \$500,000 to the City. There are no plans to renegotiate this agreement at this time.	12/31/2001	2001-07

FIN	Research ICMA, GFOA and other resources to develop comprehensive "reserve" recommendations.	As part of the budget process for Fiscal 2003, the Finance Department will assess current reserve levels in the General Fund and the Internal Service Funds. Specific recommendations will be made to Council for changes in the policies where they are deemed to be warranted.	12/31/2001	2001-07
FIN	Develop City Council approved policies that call for increased "reserves".	As part of the budget process for Fiscal 2002,, staff recommended and the City Council adopted a policy that increases the recommended General Fund Reserve from 5% to 8%.	12/31/2001	2001-07
FIN	Prepare a budget to adequately fund these auditing systems.	Budgeted 150,000+ in the City Clerk's office for Internal Audits and budgeted 50,000 in Finance for External Audits.	12/31/2001	2001-07
FIN	Begin training program to ensure that City Council, staff and interested citizens understand the budget process and fiscal limitations.	Finance has monthly FPC workshops to inform the Council and Citizens which is televised on Cable.	12/31/2001	2001-04
FIN	Expand the budget process to include more time for City Council and citizen input.	Budget process involved FPC and other Councilmembers.	12/31/2001	2000-11
FIN	Coordinate with I&T to allow Web Access.	The following services can currently be accessed through the Web: Business License Applications and Listings and Utility Billing Automated Clearing House (ACH) Payment Applications.	3/27/2002	2002-08
FIN	Work with departments to encourage Recycling of Business Equipment and Supplies.	Reviewed and updated surplus property procedures to assist departments in the processing of surplus property.	3/29/2002	2002-12
FIN	Post all Requests for Proposals (RFP's) and Requests for Qualifications (RFQ's) on the City's web site.	This project will be completed by January 31st	12/31/2001	2001-12
FIN	Improve Monthly Budgetary Reporting.	Reviewing and updating BRASS reports.	3/27/2002	2002-01

FIN	Develop On-line Bidding procedures.	The Purchasing Web Page is operational for the posting of Bids via the Internet.	3/27/2002	2002-07
I&T	Create Information Technology and GIS committees to improve internal technology communications.	The GIS Advisory Group has not met recently and is being evaluated as to whether or not it should be consolidated into the IT Advisory Group.	12/15/2003	2002-01
I&T	Create data warehouses for accessing financial and human resource information.	Both the financial and human resource warehouses have been completed.	3/21/2003	2002-01
O&M	Develop a branch of the California Conservation Corps in the Greater Modesto Area.	Due to budget constraints, the California Conservation Corps crews were not funded in the FY 2002-2003 operating budget.	7/2/2002	2001-10
O&M	Review and update stormwater quality ordinances for implementation impacts.	This project is complete. City Council action in April 2001, amended Chapter 10, Title 5 of the MMC dealing with stormwater management and discharge controls and adopted by resolution, a Guidance Manual for New Development Stormwater Quality Control Measures. These ordinance changes became effective May 30, 2001.	12/31/2001	2001-07
O&M	Explore public-private partnerships that enhance litter removal throughout the community and beautify community streetscapes, including such programs as Adopt-A-Roundabout.	The City continues to partner with neighborhood and community groups to fund beautification projects. In February 2003, Council adopted a program similar to the Caltrans Adopt-A-Highway model. Here, Neighborhood Environmental Action Teams partner with the City to adopt parks, planters, trails and rights-of-ways.	3/10/2003	2003-01
O&M	Continue use of green waste materials in co-composting operation to dispose of biosolids and expand markets for the co-compost.	This project is complete. All biosolids are used in the compost product.	12/31/2001	2001-12
PD	Evaluate existing facilities and identify opportunities for improving Neighborhood Linkages	This is redundant of prior projects (H.I.F.1.d/PR&N; H.I.F.1.b and PD Citizens Academy Mark as completed in PD area.	2/4/2003	2001-12

PD	Explore reviving "Graffiti" Event	Working with Chamber supported June Graffiti month with many events related to graffiti theme including Kiwanis Classic Car Parade. Events will be on-going for safe family oriented events related to the graffiti theme.	6/10/2002	2002-07
PD	Expand and enhance "Not in Our Town" anti-hate rally	The event has been successfully held for the last three years and is continuing in the future with community involvement	2/4/2003	Ongoing
PD	Enhance police investigative support for the Arson Task Force	Sharing facilities at 3705 Oakdale Road is working well. One Modesto Police Detective is working with the Arson Task Force. We will continue to monitor this assignment's effectiveness.	12/12/2003	2002-07
PD	Clearly establish role and determine effectiveness of Campus Police Officers in schools	1/8/02 The role of our School Police Officers (SPOs) is threefold. They're law enforcement officers, counselors and trainers within a single school. The SPOs work at the five Modesto High Schools, Elliott Alternative Education Center, P.A.C.E., (Petersen Alternative Center for Education) and the four Modesto City Junior High Schools. The SPOs are considered a part of the staff at each school. As such, their roles include being a mentor, a teacher, a role model as well the various duties of law enforcement. This highly effective unit continues to provide a valuable service to our schools.	1/8/2002	2001-12
PD	Establish and Adopt Response Standards according to priority of call / service request	Completed as an adopted performance measure.	2/4/2003	2002-01
PD	Identify Existing Neighborhoods	1-11-02 This was a combined project for all Area Commands. Crime Prevention Officers and Area Command Staff worked on this project last year and finalized their area maps after the city wide Neighborhood Watch Barbecue which was held at Graceada Park on July 11th.		Ongoing

PD	Revise Street Closure policy	12/14/01 Project was completed July 10, 2001	12/14/2001 2001-06
		This has been an on-going project since January 2001. The final proposal went to the Public Safety Committee on April 16. It was presented to and approved by City Council on July 10. This revised street closure policy reduces the fees to \$12.50 from \$20.00. The Policy calls for "no charge" for eight city and state approved holidays.	
PD	Perform Workload Analysis (# of assignments/time, unassigned time, productivity benchmarking, self-directed vs. project-directed activities, etc.) to ensure optimal coverage	3/27/02 - The Workload Analysis has been completed. The Police Support Services Supervisor who conducted the analysis reviewed several clerical positions within the department but outside the Records Unit. She confirmed that the workloads of the clerks were appropriate and concluded that any duplication in effort prior to the HTE RMS implementation has been eliminated. The final report detailing each position assessed will be completed the first of April.	3/27/2002 2002-05
PD	Expand and enhance the Spanish Citizen's Academy	3/26/02 Two citizen's academies are currently running; Spanish and Cambodian (Khmer). Spanish academy has enrollment of 30 participants, Cambodian academy has 18 participants.	3/26/2002 2002-07
PER	Adopt an Interest Based Grievance Process with MPMA.	12/14/01 - Completed	12/14/2001 2001-01
PR&N	Partner with the community, non-profits, YMCA, etc. to develop a Youth Master Plan and action items.	This item was not implemented. Funds were used for after school programming in low-income schools.	12/2/2003 2002-07
PR&N	Coordinate a Lease-to-Own Program	Presentation of the Lease to Own Program have been made. This program received funds in January 2002. One hundred thirty two families have submitted applications.	2/20/2003 2002-12

PR&N	Complete the Tuolumne River Regional Park Master Plan and Master Environmental Impact Report.	This has been completed.	3/1/2002	2001-12
PR&N	Expand Golf Program to include First Tee Program at Municipal Golf Course	This project is completed. The First Tee of Modesto is in the organizing stage. The Advisory Committee has been formulated and had its first meeting on December 2, 2003, Bob Quintella has been appointed to the Executive Board of the Del Rio Foundation to oversee the First Tee of Modesto	12/2/2003	2002-12
PR&N	Complete Regional Sports Facility Study	The Regional Sports Facility Study Final Draft Action Plan Report was presented to the Modesto City Council, the Stanislaus County Board of Supervisors and the public at a workshop on March 25, 2002. Ongoing work is proceeding to find funds to develop Sutton and Grogan Community Parks.	7/19/2002	2002-10
PR&N	Provide for increased Landscape Review of development proposals	A project coordinator was selected and hired to manage Landscape Review for the division.	2/10/2003	2001-11

Status

E

Lead Departm	Full Action	Project Status	Update Date	Milestone
FIN	Develop Improved Quarterly Reporting	The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.	3/29/2002	2002-06
O&M	Explore alternative funding options for transportation beautification, including Adopt-A-Roundabout and other public-private partnerships.		3/25/2002	2003-12
PD	Complete installation of the Modesto Police Department's Record Management System.	Redundant with IV.F.4 DELETE	2/4/2003	2002-10
PR&N	Plan and initiate Skate Rally	This event has been discontinued.	12/2/2003	2002-06

PR&N	Consider development of a site for BMX Activities.	This activity has been discontinued.	12/2/2003 2003-12
PR&N	Partner with the United Way for the annual Neighbors United Clean-Up Program	This program has been deleted.	12/2/2003 Ongoing

# Unfinished Projects through 2003

Status D

Lead Department

Full Action	Action Num	Project Status	Update Date	Milestone
Establish annexation policy based upon the City's ability to assimilate new development and on the desire of residents to join the City, combined with the willingness of the County to provide infrastructure upgrades. Scrap the 5-year inventory policy in favor of growth by ability to provide infrastructure and maintenance of service delivery standards.	V.B.1.b.	On hold pending the General Plan update. Optimum land use mix is being examined in the Kiernan Business Park, as part of the North Gateway discussions	3/1/2002	2001-12
Obtain federal, state and other grant funding to replace the Ninth Street Drain and beautify the streetscape.	I.C.1.a.(4).	Storm Drain grant received. 9th/10th Street Project on hold.	7/19/2002	2002-12

Lead Department

Full Action	Action Num	Project Status	Update Date	Milestone
Establish Grants Coordinator position.	III.B.2.b.	This position was converted to half-time, temporary due to budget constraints in the Manager's Office. Personnel has established an eligible list. Position will likely be filled later in the budget year.	5/3/2002	2002-01

Televised the Youth Commission meetings.	H.V.C.2.	At the city's request earlier this year, AT&T Broadband began televising the city's Youth Commission meetings on a regular schedule. Now, as the city assumes the responsibility of managing the Public-Education-Government Access Programming system for cable television, the city will have a much greater opportunity to repeat such programming, and potentially increase the amount government programming overall.	12/31/2001	2002-01
Establish a telecommunications policy.	IV.C.2.	12-10-01. Because federal regulations have changed, staff has not moved forward on this item. We have established Trench Cut policies to protect our roadways.	12/10/2001	2001-07

Lead Department

E&T

Full Action	Action Num	Project Status	Update Date	Milestone
Modify development standards to include bonded financing to prevent bottlenecks associated with new development.	III.A.1.d.	Staff is still waiting on the 1st Bonded CFD Formation and how that is structured so that the next Standard Specifications update can incorporate the steps in forming a bonded CFD to address complete street build-out to eliminate bottleneck situations.	6/13/2003	2002-07
Identify funding options and achieve financing mechanism to support desired goals.	I.C.1.a.(2).	The development of a new storm drainage fee structure is tied to the completion of the Storm Drainage Master Plan. The Storm Drainage Master Plan is currently underway and is expected to be completed by December 2003. An update to the storm drainage fee structure will reflect the results of the Storm Drainage Master Plan.	6/13/2003	2002-09

Lead Department

FIN

Full Action	Action Num	Project Status	Update Date	Milestone
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Improve Quarterly Reports to stress financial results and policy issues.

VII.F.3.

Starting with the Midyear staff report in February. Reports will show improvements in this area.

12/31/2001 2001-03

Develop Multi-government and Regional Strategies to lower costs.

S.B.3.b.(3).

Due to budgeting and staffing issues this project has been delayed. Request that Milestone be changed to 2003-12.

3/29/2002 2002-12

Lead Department

O&M

Full Action	Action Num	Project Status	Update Date	Milestone
Develop internal strategies to focus key resources on preventive and/or proactive infrastructure maintenance.	I.A.1.a.(3).	Due to budgetary constraints, street maintenance funding decreased in 02-03 from \$10.1 million to \$7.3 million. This is short of the \$13 million needed to accomplish required maintenance on the City's roads. The current backlog of street maintenance is estimated at \$70 million. Pending state budget cuts will further detract from our ability to accomplish this Strategic Plan Action item.	3/11/2003	2002-01

Lead Department

PER

Full Action	Action Num	Project Status	Update Date	Milestone
Conduct educational programs on the value of workforce diversity.	VIII.B.1.d.	RFPs for conducting training outlined in the Strategic Plan are still under consideration. The goal is to have training begin as of 1/2002.	12/31/2001	2002-01
Evaluate effectiveness of performing annual actuarial audits on workers' compensation and general liability funds.	VII.D.4.	Annual actuarial audit not done this year; will have one next fiscal year.	3/1/2002	2001-12

Lead Department

PR&N

Full Action	Action Num	Project Status	Update Date	Milestone
Develop Design Standards to link newly developing neighborhoods to recreation facilities	H.II.1.a.	This will be covered in the Non-Motorized Transportation Plan.	12/2/2003	2003-02

Status

I

Lead Department

CEDD

Full Action	Action Num	Project Status	Update Date	Milestone
Develop an equitable distribution of revenues in a mutually beneficial binding agreement.	VI.A.1.	City/County negotiating tax-sharing agreements as part of Kaiser Hospital annexation.		2003-7
Prepare comprehensive General Plan Housing Element that includes a Housing Overlay for the General Plan.	V.A.3.a.	Housing Element currently in preparation	6/13/2003	2003-06
Expedite processing of business park development applications.	V.C.2.a.	Kiernan Business Park Finance Plan to be Prepared	6/13/2003	2003-07
Focus infrastructure extensions on economic development opportunities.	V.C.1.c.	This will be completed in conjunction with completion of the Storm Drainage water & sewer Master Plan in 2004.	2/7/2003	2002-07
Increase multi-family residential and affordable housing inventory.	V.A.3.b.	Part of the General Plan and housing element updates and Urban Growth Review	3/1/2002	2003-07
Form working relationships with area employers.	X.A.2.a.(1).	Sr. Business Analyst will continue this program	3/1/2002	2002-07
Identify and prioritize farmland/open space areas for preservation as community buffers.	V.A.6.a.	Address in the Comprehensive Update to the General Plan.	6/13/2003	2003-12
Incorporate Smart Growth design strategies in General Plan, Comprehensive Plans and Standard Specifications.	V.A.4.a.	Smart Growth design strategies will be addressed in General Plan Update.		2003-12
Establish sites and services to attract technology-based business, based on business need.	V.C.1.d.	KWBP		2003-01
Identify opportunity areas for Expansion of Housing Inventory, including mixed use (commercial/residential)	H.II.B.1.b.	Housing element currently in preparation.	12/1/2001	2001-12
Encourage infill and revitalization by revising fee structure for development within the downtown core.	IX.B.2.	Fees revised 7/03 to be revised on an annual basis. Proposed redevelopment master plan to include a land use analysis & economic absorption study to determine preferred uses that would qualify for a fee incentive program. Plan on hold pending council action	7/22/2002	2001-12

Look at opportunities to encourage people to develop vacant buildings	XII.B.2.	Sr. Business Analysis will continue this task.	3/1/2002 2003-12
Staff the Redevelopment Agency with specialists in: 1) research and planning, 2) permit/development, and 3) promotion and marketing.	XII.B.1.	Recruitments in process.	3/30/2002 2001-07
Evaluate and explore expansion of the Redevelopment Area to include declining/underdeveloped portions of the City (i.e. Yosemite Corridor).	XII.A.5.	After review, there does not appear to be enough TI created to support the development	12/31/2001 2002-07
Utilize the Redevelopment Agency to leverage private investment in industrial/business park development.	XII.A.2.	KWBP Under development.	7/19/2002 2003-12
Design and construct community amenities during the initial phases of new development.	XI.B.2.	Being implemented as projects move forward (e.g. FMC Site, Roselle-Claribel Specific Plan, Fairview Specific Plan).	6/13/2003 2002-07
Adopt developer incentives for high-density housing.	IX.C.1.	12/01 - Redevelopment 20% set aside funds. Housing element currently in preparation.	12/1/2001 2001-07
Purchase development rights outside the ultimate sewer service boundary of the city.	XI.A.1.	No Report	3/1/2002 2003-07
Update the Downtown Master Plan and develop parking strategies to promote future development.	IX.A.1.	RFP under development.	7/19/2002 2001-12
Enter into disposition and development agreements (DDA's) and/or owner participation agreements (OPA's) for the FMC property.	X.A.3.a.(1).	Option to Purchase/Master Planning in progress.	12/31/2001 2003-09
Identify and market to key diversification targets, such as health services and subassembly plants.	X.A.2.d.(1).	Sr. Business Analyst will continue this program	3/1/2002 2001-12
Establish aesthetic criteria for evaluation of projects.	V.A.5.a.	Being implemented as projects move forward (e.g. FMC Site, Roselle-Claribel Specific Plan, Kiernan Business Park).	6/13/2003 2003-09

Construct a flagship housing development in Downtown Modesto.	IX.C.2.	Site locations under evaluation.	7/19/2002	2002-12
Create development incentives to encourage compact development and ensure planning/zoning codes facilitate this development.	V.A.2.a.	No Report		2002-01
Increase opportunities and develop incentives for affordable office space.	X.A.2.a.(3).	Sr. Business Analyst will continue this program.	3/1/2002	2003-01
Encourage use of voluntary agricultural land trust methods.	XI.A.2.	This action item will be addressed on a case-by-case basis as part of the environmental review process for future master plans.	7/22/2002	2002-07
Identify ultimate urban limit lines based on logic, economy of space and agricultural land use (including soil quality).	V.A.6.b.	Address the Comprehensive Update to the General Plan.	6/13/2003	2003-12
Establish an Interdepartmental Task Force to review Tidemark's system capabilities and deficiencies.	V.A.10.c.	Tidemark Users Group formed February 2002. Group made site visit to City of Santa Clara, a user of Tidemark. Process mapping effort has been completed. IT & CED staff currently meeting and communicating with Tidemark to resolve problems.	4/3/2002	2003-07
Conduct a study to determine the optimal mix of land uses for a healthy economy and recommend changes to development proposals.	V.B.1.a.	Address land use mix as part of General Plan update	3/1/2002	2002-07
Improve customer service at the permits counter.	V.A.10.a.	New public hand-outs are being prepared and some are posted on web.	4/3/2002	2002-07
Orient new development toward multi-modal and non-motorized modes.	III.B.6.c.	To be completed with General Plan Update	6/13/2003	2003-07
Discourage the use of drive-thru lanes, as these increase motor vehicle emissions associated with vehicle idling.	III.B.6.b.	Address with General Plan Update	6/13/2003	2003-07
Explore the option of requiring installation of Multi-family Housing During the First Phase(s) of project development.	H.II.B.1.c.	Included as a implementation program in the proposed housing element.		2003-07

Lead Department

Full Action	Action Num	Project Status	Update Date	Milestone
Develop reporting structures to adequately inform the City Council and the citizens of progress towards this goal.	V.I.E.4.	Reassigned to City Clerk/Internal Auditors Office	3/29/2002	2002-01
Develop short and long term audit plans to ensure municipal assets are protected and services are delivered in an efficient and effective manner.	V.I.E.3.	Reassigned to City Clerk/Internal Auditors Office	3/29/2002	2002-01

Lead Department

Full Action	Action Num	Project Status	Update Date	Milestone
Strengthen communication to Increase Citizen Awareness of City facilities and programs.	H.I.A.8.	The Parks, Recreation & Neighborhoods Department has developed a Facilities Guide, available to the public in hard copy and online, that features information related to all city facilities. At this point, our primary focus is to continue promoting various programs via the city's website and through various news releases and public service announcements.	7/19/2002	2002-03
Develop Performance Measures that are outcome-oriented and which link to the Strategic Plan.	S.B.2.a.(2).	Pilot project for Fire approved by S&C Committee in June. PR&N and PD Performance Measures are in development. Council Review will occur in July / August / September.	7/9/2002	2002-07
Develop and implement regional governmental action plans for improving technology, i.e. government portals, GIS and purchasing solutions.	IV.D.2.	County portal has been released. GIS council has been established; operating principles and standards are being developed.	3/21/2003	2003-01

Develop a communications and marketing strategy for the City and employ a multimedia and multilevel communication approach including, but not limited to:

XIII.A.1.

12-21-01. Draft report completed and awaiting review by City Manager and Deputy City Managers .

12/21/2001 2001-07

External:

- (1) Corporate graphics program
- (2) Citizen surveys
- (3) Focus group research
- (4) Speakers Bureau
- (5) Internet website
- (6) Cable television program
- (7) Information hotline
- (8) Advertising and public education campaign
- (9) Media policy and media plan
- (10) Special events

Internal: Intranet

Lead Department

E&T

Full Action	Action Num	Project Status	Update Date	Milestone
Assemble water and wastewater Task Forces with area agencies and seek funding/buy-in from governing bodies.	I.B.1.b.(1).	Planning is in progress. Grant funding for feasibility study has been secured. A consultant has been selected to perform the feasibility study. Assembly of a Regional Task Force will be completed as part of the study.	6/13/2003	2001-10
Explore alternative transportation options (automated people movers, etc.) to reduce vehicle impacts in the downtown core.	IX.B.5.	Staff reported to the Economic Development Committee in May 2003 that there are no comparable cities with successful downtown circulator systems. Staff will continue to explore alternative transportation options to reduce vehicle impacts in the downtown core.	6/13/2003	2003-12

Form a team & develop Street Design Standards that incorporate calming devices and meet neighborhood needs	H.II.G.1.a.	Staff comprehensively evaluated Village One for traffic calming opportunities. Staff developed and Council adopted a roundabout policy. Staff has conducted several neighborhood study sessions to inform and familiarize citizens about roundabouts. Subsequently, Council has approved several roundabouts.	6/16/2003 2002-07
Develop Modesto Airport non-aviation uses. Contact potential restaurant operation and solicit interest in establishing an outlet at Mitchell and Tenaya.	III.B.4.b.	Consideration is being given to changing the designation of airport property where a restaurant/hotel was previously recommended at Mitchell Road and Tenaya Drive. Staff is now looking at the possibilities of using this property for aviation use rather than non-aviation use. It is anticipated that a final determination will be made by the time the Airport Master Plan is completed in May 2003.  Staff continues to explore additional avenues of development.  No efforts are currently in progress regarding potential restaurant operation. This will be delayed until the Airport Master Plan is updated.	6/13/2003 2003-06
Participate with StanCOG, other cities, and the County in developing a Regional Transportation Expenditure Plan to support a half-cent sales tax and/or request the State Legislature adjust the gasoline tax.	III.B.2.a.	Staff is working on a preliminary plan to present, if this item moves forward through StanCOG. Plans for Fresno and San Joaquin Counties are being used as models. At this point we are awaiting action by StanCOG to determine whether the item will move forward.	6/13/2003 2002-08

Develop a Water and Wastewater Master Plan that includes:	I.B.1.a.(1).	Work on updating the City's Wastewater Master Plan is underway and is expected to be completed in early 2004.	6/13/2003 2002-12
<ul style="list-style-type: none"> <li>* water &amp; wastewater quality</li> <li>* water supply/quantity &amp; wastewater treatment capacity</li> <li>* water source identification</li> <li>* growth impacts analysis</li> <li>* opportunities for regional facilities</li> <li>* conservation strategies (water meters, variable water rates, etc.)</li> <li>* infrastructure needs (business parks, etc.)</li> <li>* Del Este system improvements</li> <li>* Address existing system deficiencies.</li> </ul>		Development of a comprehensive Water Master Plan is budgeted for FY 2003/04. However, a component of that Master Plan - creating a hydraulic model of the system - is currently under way.	
Develop partnerships with other agencies & districts and seek regional storm drainage solutions.	I.C.1.a.(3).	This will be completed once the Master Plan is at least 80% complete.	6/13/2003 2002-09
Prepare and adopt access management guidelines.	III.A.1.f.	Draft Guidelines prepared by Dowling and Associates (Feb. 29, 2000). Reviewed by Osner, Mitchell, Canell and Helen Wang with comments back. Then, on hold, pending resolution of 1) Expressway Access Guidelines; 2) Roundabout Policy. Contract with Dowling (Joe Holland) is \$15,000 with \$9,842.07 expended to date.	6/16/2003 2002-07
Identify critical problem areas (flooding, pedestrian safety, etc.) and develop short and long term solutions / priorities to ensure Community Safety.	H.II.K.1.k.	Problems are being identified through citizen input, staff evaluation, and master planning efforts. Identified solutions are being programmed in the CIP as funding is available in the respective areas. An inventory of all missing ADA ramps within the City have been completed.	6/13/2003 2002-12

Expand and enhance the ATMS/CCTV system. III.A.1.b. Construction of the extension of the fiber optics in the northeast section of town is complete. The northwest section was bid out in March 2003. The project was awarded to SB Cable on a low responsive bid basis. 6/16/2003 2002-07

Extend the ACE commuter train service to Modesto with provision for a downtown station. III.B.3.a. While the Long Range Transit Plan indicates that light rail is not cost-effective for Modesto within the foreseeable future, monies have been earmarked in the state budget for an extension of the ACE (Altamont Commuter Express) train service to Modesto. The designated funding is inadequate to complete the project and, in light of the state's present fiscal status, there may be few additional dollars forthcoming. Staff will continue to explore this option and offer MAX connections to ACE in the interim. 6/13/2003 2003-06

Stanislaus County completed a study of the feasibility of extending the ACE train to Modesto and Turlock. The conclusion was that it is feasible, but that additional study would be needed to identify all costs and benefits as well as environmental impacts. The County is now studying this matter in more detail.

Lead Department

FD

Full Action	Action Num	Project Status	Update Date	Milestone
Develop pilot Advanced Life Support program	H.IV.A.1.	The program officially began on Engine 24 on July 19, 2003. This project continues it's pilot evaluation period. Strategic Plan:H.IV.A.1 Develop pilot Advanced Life Support program.	2/4/2004	2002-01
Explore opportunities to for a Fire Department Museum at Fire Station Number 2	C.IV.B.2.	The relocation and building of the Community Center that will house Station #2 continues to progress. It is anticipated to open in the Spring of 2004. Discussions continue on the conversion the the exiting station to a fire museum after staff have been relocated.	2/12/2003	2002-07

Utilize Fire Station Facilities as "Safe Houses" for children where volunteers could provide tutoring and mentoring.

H.I.A.1.e.

This item has moved from its conceptual stages to a research stage and we anticipate further action in Summer of 2004. This item is dependent on the completion of the West Side Service Center (Action Item: H.I.A.1.d)

2/4/2004 2003-06

Work with the County to ensure Communications Center staffing, funding & policy issues are resolved in a matter that is fair and equitable

H.I.B.2.

The JPA recently approved the 2003-04 budget for the communications center. Revisions of the cost sharing agreement was again discussed and a verbal agreement was made to pursue an updated cost sharing format.

6/12/2003 2002-04

Lead Department

FIN

Full Action	Action Num	Project Status	Update Date	Milestone
<p>Research and identify successful financing systems, including:</p> <ul style="list-style-type: none"> <li>* identification of opportunities</li> <li>* cost estimates</li> <li>* determination of lead agency</li> <li>* financing strategies (including Infrastructure Bank, bonded development and ½ cent sales tax)</li> </ul>	I.A.1.b.(1).	The Finance Department is working with the Susan Goodwin Group now examining possible strategies for Village One. The results should go to Council this Spring. We are also developing two other proposals to re examine the development fees associated with the Capital Facilities Districts (CFD's), Capital Facilities Fees (CFF's) and the capital portion of our utility fees. Increased revenues will enhance our ability to consider bonding options.	3/29/2002	2002-01
Improve readability and clarity of the Budget Documents.	S.B.2.a.(1).	We are presently developing more infomaker reports.	7/15/2002	2002-07
Develop Capital Project Reporting Process.	S.B.1.a.(7).	Reviewing and updating BRASS reports.	3/27/2002	2002-03
Develop Revenue Monitoring and Reporting Systems.	S.B.1.a.(5).	The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.	3/29/2002	2002-12
Develop a Comprehensive Accounts Receivable System.	S.B.4.a.(4).	No Report		2003-12

Improve Treasury and Investment Reporting.

S.B.1.a.(3).

The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.

3/29/2002 2002-08

Lead Department

I&T

Full Action	Action Num	Project Status	Update Date	Milestone
Develop Agency-wide GIS Program	IV.M.1.	In conjunction with Stanislaus County, staff have recently held a meeting to encourage agencies throughout Stanislaus County to partner together to form the Stanislaus Regional GIS Consortium which would serve as the sub-region to the California State GIS Council. The group was provided an overview of the purpose of formation and was asked to also fill out two surveys requesting GIS data currently worked with and level of discussion.	12/15/2003	2003-07
Develop standards-based PC desktop working environments, policies and procedures.	IV.G.2.	No Report		2002-01
Deploy high level virus protection and prevention strategies.	IV.G.3.	A high standards virus scanning and SPAM filtering device was installed. An enterprise-wide virus scanning plan was implemented and enforced.	3/21/2003	2002-01
Develop a list of projects and internal strategies focusing on preventative and/or proactive technology maintenance.	IV.H.2.	The IT Department has developed five-year plans which are updated annually focusing on proactive preventative maintenance. The IT Department has also implemented monthly a maintenance window for planned maintenance of its computer and network systems.	3/21/2003	2002-03
Build demand for advanced communication service and promote policies that foster infrastructure development.	IV.D.1.	No Report		2002-07
Encourage greater utilization of the Intranet and Internet for skills training.	IV.E.3.	No Report		2003-01

Establish links to educational systems to encourage professional growth and development.	IV.E.2.	This action has been completed. The local school district, Modesto Junior College and Stanislaus State University have all be contacted and partnered with to hire students/interns. The interns have added value to the City's Information Technology programs while providing them with on the job training and professional growth opportunities.	3/21/2003	2003-01
Implement a high standard based firewall and intrusion detection system between the City's systems and access to other agencies and the Internet.	IV.G.1.	Software-based firewall systems were replaced with a hardware-based firewall systems at both Tenth Street Place and Modesto Police Department. An IDS system was installed. An external connection audit is being performed to identify and document external routes.	3/21/2003	2002-01
Develop an e-commerce strategy to guide and provide 24/7 service to our customers.	IV.A.8.	No Report		2003-01
Develop standards, policies, and procedures to govern teehnology in the organization.	IV.A.2.	Policies were developed for Computer Use, E-mail Use, Internet Use, Desktop Hardware Standard and Office Automation Software Standard. Work continues to develop policies for Security and Separation and a Wireless Technology Standard.	3/21/2003	2002-01
Provide On-Line Access to fire, police and recreation data and services	H.II.K.1.c.	Access to information on-line has increased greatly over the quarter through new services offered. The most dramatic to note is the Webcasting of Council meetings. This has allowed both external and internal customers to veiw a council live in session as well as the ability to perform research of past council action through the archiving capability.	1/30/2004	2002-05
Establish an integrated network system with a single source of oversight, management and administration.	IV.A.7.	INET, CBEG and MPD efforts are continuing in movement to IT. Network assessment has been performed.	3/21/2003	2003-01
Use GIS Modeling to ensure coverage and improve response times	H.II.K.1.g.	No Report.	12/12/2001	2002-03

Establish continuous technology training programs for software programs adopted by the City.	IV.E.1.	Steps to accomplish this goal have been delayed due to lack of funding.	3/21/2003	2003-01
Develop Web Based Customer Information Systems.	S.B.4.a.(1).	The city is currently piloting the ability to apply for job positions from the city's web site. This ability will allow a job applicant to completely fill out a job application over the internet safely and securely. The process also includes the additional supplemental requirements that some positions require as well as attaching resumes and additional applicable electronic documentation.		2002-07
Create Master Address File.	IV.M.2.	Staff is currently researching addressing standards and the availability of existing address files. The GIS Advisory Group assigned this project, combined with Master Land Use file, as their number one priority.	3/21/2003	2002-07
Create GIS Needs Analysis and Data/Map Inventory.	IV.K.2.	After several delays, the inventory has now officially begun. To date, approximately 15 interviews have been conducted. The interview process takes about 30 minutes to one hour to complete. The results provide us with information of what maps and data sets are used or needed (not only GIS related) and how they are utilized.	3/21/2003	2002-07
Develop GIS Strategic Plan.	IV.K.3.	No Report		2002-09
Provide access to Oracle tools, Discoverer, Forms and Reports.	IV.L.4.	The Oracle Discoverer report writing tool has been rolled out to seven departments City-wide.	3/21/2003	2002-05
Provide the ability for staff to manage documents more efficiently for quicker responses to community requests.	IV.L.5.	This implementation of a document imaging system has been delayed due to a lack of funding.	3/21/2003	2003-07
Extend capabilities of managing user accounts to select staff on a limited and secure basis using the City's network systems.	IV.L.6.	No Report		2003-05

Install H.T.E. Upgrades.

S.B.4.a.(2).

No applicable relevancy. I am not involved with this project.

2002-07

Lead Department

O&M

Full Action	Action Num	Project Status	Update Date	Milestone
Explore options for increasing the number of garbage receptacles in public areas including at bus stops.	I.A.2.a.(13).	The Downtown Improvement District replaced several garbage receptacles in the downtown area to match those around the TSP Complex. Installation of additional cans at bus stops is in progress. The Anti-Litter Committee may make some additional suggestions on this matter.	3/11/2003	2003-07
Consider a Heritage Tree Ordinance to preserve the City's natural landmarks.	V.A.5.b.	The draft ordinance has been reviewed by the community. The latest draft is presently under review in the Attorney's Office.	3/11/2003	2002-12

Lead Department

OTH

Full Action	Action Num	Project Status	Update Date	Milestone
Seek ways to improve Youth Literacy & Education	H.V.A.15.	No Report		2002-12

Lead Department

PD

Full Action	Action Num	Project Status	Update Date	Milestone
Work with the community to create an environment in Modesto that Encourages Employment and discourages panhandling.	H.II.A.2.k.	The City Council has adopted a new ordinance prohibiting solicitation and thereby enhancing business, in specified areas of the City, which the Police Department is now enforcing. Additionally, the Police Department is now actively involved in restorative policing with the Mental Health Department and the District Attorney to serve the specific needs of the habitually offending nuisance population that has substance abuse and mental health problems. This policing discourages solicitation/panhandling.	12/12/2003	2003-07

Develop Lunch-Time Programs to build relationships with our youth	H.V.A.3.	No Report	12/12/2003	2002-07
Develop strategies to focus on School Safety	H.V.A.10.	In the early fall, before the start of the traditional school year, Police management staff confers with school administrative staff regarding school safety and particular campus needs.	12/12/2003	2002-07
Implement Family Violence Prevention Program	H.V.A.11.	No Report.	12/12/2003	2003-12
Create a Violence Prevention Support Group to promote tolerance for the diverse cultural and ethnic backgrounds of the citizens of Modesto.	H.I.A.5.	Participated in forming a support group for hate crime victims (PFLAG, GSELEN, NAACP). Co-sponsored with NAACP and YCCD "Not in Our Town" anti-hate crime and diversity tolerance marches in October 2002 and will again in 2003. Participated in PGLAG and GLESEN press conferences at the unveiling of anti-hate and tolerance billboards.  The Department has a member on and is active with the Hispanic Leadership Council, the NAACP, the Asian Advisory Board and PFLAG.	12/12/2003	2002-07
Benchmark against other communities to develop Animal Control Laws to provide safe neighborhoods for all residents.	H.II.A.2.j.	No Report	12/8/2003	2002-12
Expand Neighborhood Watch network and use as a conduit to connect to the community	H.II.A.1.b.	Neighborhood Watch Programs continue to expand, with most of the growth occurring in the new Northeast area. Some groups have become inactive so the total number remains at about 700 groups. Research is being done regarding Business Watch Programs. Most other cities' programs are informational and informal. We are looking for a more formal citywide program.	12/8/2003	2002-06
Renegotiate agreement with Stanislaus County for Animal Control to more equitably reflect costs of sheltering/disposal	H.I.B.7.	Project will remain with Information Services Lieutenant and Administrative Services Sergeant.	12/8/2003	2002-06

Install the police Records Management System, including mobile data computers in patrol vehicles, digital photo capture and storage, CAD interface, Bar Code capability for Property and Evidence, and GIS interface. IV.F.4.

Records Management System installed and live for citations, incidents, warrants, field interviews and evidence. Alternatives to current mobile data computer system were explored, obtained and evaluated proposals from prospective vendors, and received Council approval for implementation with new vendor. Digital Photo Capture and Storage has been implemented with Modesto Police Department connected to Stanislaus County Sheriff's Office. The CAD interface between Records Management System and 911-CAD has been completed. Conversion to Bar Code Capability for property and evidence has been completed. GIS Interface Project continues with the extraction and loading of data.

3/21/2003 2003-02

Work with NAACP to enhance relationship between the City and members of their organization C.III.B.2.

Liaison was maintained with the NAACP and the Administration of Modesto City Schools, following reported racially-based threats and potentially related retaliatory violence at the Beyer High School campus. These incidents, occurring in November 2002, appear to be isolated as there has been no reports of ongoing problems.

2/4/2003 2003-07

Resolve Police Training Center issues. H.I.B.13.

The Joint Powers Agreement that exists among Stanislaus County, the City of Modesto and the Yosemite Community College District is in the process of being dissolved. Asset ownership is currently being resolved. Training is now being accomplished with Stanislaus Sheriff's Office and the Modesto Police Department. Final dissolution is near completion.

12/12/2003 2002-12

Lead Department

PER

Full Action	Action Num	Project Status	Start Date	End Date	Milestone
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Provide Training for City Employees on dealing with diverse constituencies, recognizing cultural differences and preventing discrimination.	S.A.2.a.(1).	12/14/01 - The contract is in process, going to City Attorney for review. Harassment training should begin in Jan 02.	12/14/2001	2002-01
Develop streetscape inspection program to identify potential hazards to the public.	I.A.2.a.(11).	No Report		2003-07
Explore establishing a Labor-Management Committee to integrate employees into work practice decision making.	S.A.4.b.(1).	No Report		2002-12

Lead Department

PR&N

Full Action	Action Num	Project Status	Update Date	Milestone
Plan for and develop Community Centers in the neighborhoods	C.I.A.3.	Architectural design is in development for the Westside Service Center in Marshall Park as well as Maddux Youth Center, with completed Master Plans for each facility. Additionally, staff is working on preliminary plans to improve the King-Kennedy Center with ADA renovations and also working to expand the KKMC to house the West Modesto King-Kennedy Neighborhood Collaborative.	2/20/2003	2003-12
Develop matching fund sources to Encourage Construction of Adequate MFR Facilities.	H.II.B.1.d.	No action this quarter.	3/1/2002	2003-12
Seek opportunities for Sweat Equity projects	H.II.C.1.d.	Staff is currently working with STANCO and Habitat for Humanity.	3/1/2002	2002-12
Develop strategies to better respond to Teens in Crisis	H.V.A.12.	During the Youth Commission meetings, agencies have made themselves available to better educate the Commission on resources in our community for youth in crisis.	2/10/2003	2003-12
Use the Culture Commission to revise the Master Plan for Cultural Activities and Historic Buildings.	C.II.D.3.	Commissioners have been assigned various sections of the Plan.	12/2/2003	2002-07
Research and analyze potential Modesto tourist attractions and evaluate how they could be developed and marketed.	X.B.I.a.(1).	No action this quarter.	12/2/2003	2002-12

Partner with MID to develop an Urban Trail System using canal easements	H.II.E.1.a.	Future actions are contingent upon the completion of the Modesto Non-Motorized Transportation plan update. Staff proposed to take the plan to MID before it is adopted, tentatively in Spring 2004.	12/2/2003	2003-12
Resolve issues and identify a site for a Day Center for Homeless individuals	H.IV.A.6.	Staff is reviewing an RFP for the implementation of a "Homeless Day Facility".	2/20/2003	2003-07
Design and plan for construction of the West Side Community Service Center	H.II.F.1.a.	The West Side Community Service Center now called the Neighborhood Center at Marshall Park has a completed Master Plan. Construction documents will be completed soon, with construction estimated to begin in 2004.	12/2/2003	2002-07
Identify and assess Community Center Opportunity Sites	H.II.F.1.c.	No action this quarter.	3/1/2002	2002-07
Explore partnering with the County to develop child care programs that meet the needs of downtown workers.	VIII.B.1.e.	No action this quarter.	3/1/2002	2003-07
Prepare Geographically Based Services / Programs / Facilities Analysis for parks and recreation activities.	H.II.K.1.h.	No action this quarter.	3/1/2002	2002-03
Remodel and upgrade the Maddux Youth Center	C.I.A.7.	The Master Plan is complete. Staff is ready to proceed with construction documents. Construction is anticipated to begin in 2004.	12/2/2003	2003-04
Partner with School Inter-Act Clubs to utilize teen volunteers.	H.V.D.2.	Even though we have not had a formal partnership established, the Youth Commission has done a tremendous job getting students on campus to promote various Youth Commission programs throughout their schools and community.	7/19/2002	2002-12
Expand and Enhance Recreation on Campus for Kids (ROCKS) Program	H.V.A.6.	School-site lunch programs were held and staff took the PARTY mobile to several school sites.	12/2/2003	2002-12
Promote historical Photograph Collection housed at the Museum	C.IV.A.4.	A volunteer is working on the photo collection.	12/2/2003	2002-09

Expand Golf Appeal to include women, juniors, ethnic diversity, families, etc.	C.V.A.12.	An expanded marketing plan is being written by FM Golf.	12/2/2003	2003-07
Partner with business and non-profits to develop Meeting Space for Neighborhood Groups.	C.I.A.11.	No action on this item.	3/1/2002	2003-12
Develop a Cable Access program run by youth.	H.V.C.1.	No action this quarter.	3/1/2002	2002-10
Explore development of a Youth Mentor Program.	H.V.B.2.	No action this quarter.	3/1/2002	2002-10
Seek ways to connect the Youth Commission to the School Board.	H.V.A.17.	No action this quarter. Will continue to investigate.	12/3/2003	2002-12
Identify opportunity sites for Conversion of Market-Rate Housing to affordable housing	H.II.B.2.b.	Staff has been researching for opportunities to convert more market-rate housing to affordable housing.	7/19/2002	2002-06
Develop the Virginia Corridor as a priority Class I Bikeway and linear parkway. * Master Plan Complete * Corridor Developed	III.B.5.c.	The first segment of this corridor will be completed by the 5 Modesto Rotary Clubs in early 2005 - Roseburg to Orangeburg. Staff is seeking funding for future segments.	12/2/2003	2003-12
Support the Skate Park and identify potential sites for additional parks	C.V.A.9.	Staff is currently looking at alternatives for the operation of the skatepark.	12/3/2003	2003-12
Create a Sports Foundation via the Convention & Visitors Bureau	C.V.A.4.	Discussions are ongoing. However, no definitive plans have been made to date.	12/2/2003	2003-07
Develop "Apple of Our Eye" award program for neighborhood beautification.	I.A.2.a.(8).	Staff is looking at other possibilities.	12/2/2003	2002-07
Integrate Parks, Recreation & Neighborhood services into Area Command model	H.II.A.1.a.	This action will partially occur with the construction of the Neighborhood Center at Marshall Park.	12/2/2003	2002-12
Create master plan and develop the Virginia Corridor Greenway	H.II.H.1.b.	The Master Plan is pending approval by council in January, 2004.	12/2/2003	2002-12
Update Non-Motorized Transportation Master Plan.	III.B.5.a.	Project has been assigned to staff. Work will be completed in Spring 2004.	12/2/2003	2003-07

Status

O

Lead Department

CEDD

Full Action	Action Num	Project Status	Update Date	Milestone
Locate business parks and other industrial land near existing and proposed transportation corridors to foster efficient land use and reduce circulation problems.	V.C.1.b.	KWBP & North Gateway Business Park are both located near key transportation corridors.	7/19/2002	2002-01
Compile information from the performance audit to set guidelines for the permit and plan checking process.	V.A.10.b.	A report has been developed to provide the City Council with quarterly status updates on performance review recommendations.	4/3/2002	2002-07
Support regional economic development research.	VI.A.4.	Working with the SCED and with Alliance to develop regional database	12/1/2001	2001-07
Identify future potential business park sites and have sites available for immediate development. Develop strategies to protect existing business from unfair economic competition.	V.C.1.I.	KWBP; N. Gateway BP and Kiernan BP in progress; Add'l sites reviewed in future.	7/19/2002	2003-12
Work with the Sierra Valley Small Business Development Center at SCEDCO to provide assistance to start-up and growing businesses.	VI.A.3.	Ongoing. Send businesses to SVSBDC for review.	7/19/2002	2001-07
Incorporate a telecommunications strategy as part of the Business Park development plan.	IV.C.3.	Technology vision has been written for Kansas Woodland Business Park.	3/21/2003	2001-03
Develop Business Marketing Plan. [See also Communications & Technology]	X.A.1.a.(1).	Web site production, web advertising, newsletter. Updated brochures/media, incorporate GIS technology, utility insert.	3/1/2002	2002-07
Use state-required 20% housing set-aside funds to improve and increase the amount of low to moderate income housing.	XII.A.3.	Housing proposal under review for downtown area.	7/19/2002	2001-07
Expand and enhance a workforce training and development program.	VIII.A.3.a.	Seven pre-construction training classes complete. Overall employment rate of program graduates approximately 70%. Funding crises due to State budget reductions.	7/22/2002	2001-07

Lead Department

CMO

Full Action	Action Num	Project Status	Update Date	Milestone
Establish a Healthy & Safe Development Team to track development issues and insure adequate healthy & safe services for the entire community	H.II.D.2.e.	12-31-01. Researching training possibilities for the H&S team. Moving forward with this item will depend on staffing and budget support.	12/31/2001	2002-03
Expand community access to the Arts and local Entertainment through Public Broadcasting via Cable Television.	C.II.A.5.	Working with the county schools, not for profit organization, and the public to develop a countywide broadcast network.	12/31/2001	2002-07
Examine Cost Recovery Programs	H.II.K.1.i.	12-31-01. Continue to work with Departments to establish costs for various services. Evaluating Healthy and Safe Team permits and alarm registration/police response for full cost recovery.	12/31/2001	2002-06

Lead Department

E&T

Full Action	Action Num	Project Status	Update Date	Milestone
Expand corporate and general aviation uses at Modesto Airport.  * Secure a property option with SkyTrek Aviation * Construct New Aircraft Storage Hangar	III.B.4.a.	T-Hangar K is completed and all units in the hangar are leased. Annual revenue from this hangar is expected to be approximately \$29,000.  Expansion plans for General Aviation and Corporate Facilities will be recommended when the Airport Master Plan Update is completed.  Waiting for completion of the Airport Master Plan which will recommend future corporate and general aviation facility development.	6/13/2003	2001-08

Collect and collaborate on circulation policies.

III.A.3.a.

StanCOG is working with Stanislaus County and other jurisdictions to adopt expressway corridors and associated design standards. The City of Modesto is actively collaborating with StanCOG in achieving this goal.

6/16/2003 2002-07

\* Work with StanCOG to adopt a regional expressway network.

\* Collaborate with other cities/Caltrans to adopt elements of the expressway system within their jurisdiction:

\* Work with all agencies to develop a common design standard.

Lead Department

FD

Full Action	Action Num	Project Status	odate Date	Milestone
Utilize Fire Station Facilities and Police Department Community Room for neighborhood activities and events	H.II.A.1.d.	Progress continues on the Westside Services Center. The design is nearly complete and several community groups have assisted in this project. The plans have been accepted by the City Council and the project is moving forward. A community meeting room has been included in the design and facility design has been completed.	2/4/2004	2002-07
Examine Mutual Aid Agreements with neighboring fire districts to ensure maximal resource recovery	H.I.B.9.	Agreements with Stanislaus Consolidated and Burbank Paradise have been updated to improve efficiency emergency response. Each of these agreements will now be reviewed annually.	6/12/2003	2002-12

Enhance Fire Prevention Program with efforts targeted at juveniles	H.II.K.1.b.	<p>The fire department continues to participate in community events involving juvenile activities. During the spring months many schools have hosted carnivals and safety fairs giving fire department personnel the opportunity to teach fire safety to hundreds of kids.</p> <p>In addition to the school programs, there are several family events throughout the city that fire prevention and suppression personnel have attended. These programs include the 4 Footed Fun Faire, YMCA Health and Safety Faire, Cesar Chavez Celebration, Cinco De Mayo, Carol Sund Event and Career Day for the Pearson Alternative Center. These events and others like them give us the opportunity to reach out to a wide age range of young kids and teenagers.</p>	6/12/2003 2002-06
Prepare local resources for Domestic Terrorism Threat	H.III.B.1.	<p>Local preparedness efforts continue to be coordinated through the City/County Domestic Terrorism Task Force. Stanislaus County, as the Regional Area Coordinator, has applied for and received grants to provide both equipment and training to local responders in case of a terrorism incident. A regional approach continues to be used by the task force to address our local needs. On August 7, 2003 a full scale exercise was organized to test the area's response to a major incident.</p>	6/12/2003 2002-01
Expand the use of Automatic Fire Sprinklers and other prevention technology	H.II.K.1.a.	<p>We continue to closely review proposed plans for new construction and tenant improvements. We are requiring the installation of Automatic Fire Sprinklers in all facilities that meet City's the requirements. We are actively requiring these facilities to meet current fire code requirements or provide alternate fire prevention technology that provides the same level of safety for our community.</p>	2/12/2003 2002-12

Lead Department

FIN

Full Action	Action Num	Project Status	Update Date	Milestone
Evaluate opportunities to expand the use of Internal Service funds to fund "costs" of services, thus increasing replacement reserves.	VII.D.1.	We are currently analyzing current Internal Service Funds to assure that rate and reserve methodologies are adequate. We expect to make some recommendations for change as part of the Fiscal 2003 Budget Process.	12/31/2001	2001-12
Develop Monthly Cash Reports.	S.B.1.a.(2).	The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.	3/29/2002	2002-07
Consider bonded growth financing to provide funding up front when infrastructure is needed for growth.	VII.C.1.	The City has several projects going at present whose goal is to determine the costs of the infrastructure and financing possibilities for Village 1, other current and future Capital Facilities Districts (CFD) and storm drain needs along Ninth Street	12/31/2001	2001-12
Adopt comprehensive planning process that targets CIP projects for Economic Development.	VII.C.3.	Finance will be working with Community Development's Economic Development Division for the upcoming budget year FY 02-03.	12/31/2001	2001-07
Develop policies to ensure Procurement Card Use is responsible and transaction costs are lower.	S.B.3.b.(1).	Performing ongoing random line item audits of the Procurement Card statements	3/29/2002	2002-07
Review Inventory Practices and Procedures to reduce costs.	S.B.3.b.(4).	Lowering inventory levels as part of an ongoing effort to implement Just In Time (JIT) inventory control.	5/20/2002	2003-12

Determine costs of growth and identify revenues to cover shortages (i.e. Village One). VII.B.1.

We are moving forward in several areas concerning this Action Item. This spring we will issue a Request for Proposal for a thorough review and possible update of our Capital Facilities Fees (CFF). In addition, this year we should be able to issue an RFP that, as part of a comprehensive look at our Water and Wastewater rate structure, will determine the adequacy of our current utility capital charges.

12/31/2001 2001-12

Simplify CIP budget process to clearly differentiate between maintenance and capital needs. VII.C.4.

Last year the Finance Department began an intensive evaluation of the entire CIP process. The first results of this multi-year project will become apparent with the Fiscal 2003 budget. There will be a clear distinction between maintenance and capital projects and improved CIP reporting.

12/31/2001 2001-07

Lead Department

I&T

Full Action	Action Num	Project Status	Update Date	Milestone
Revise practices governing oversight and maintenance of desktop workstations.	IV.I.1.	IT staff has upgraded the Financial and HR server equipment to ensure enough disk storage is available and that processing and memory performances are met.	12/12/2003	2002-01

Lead Department

O&M

Full Action	Action Num	Project Status	Update Date	Milestone
Prepare plans to fully fund deferred maintenance needs in water, wastewater, stormwater and streets.	I.B.1.c.(1).	Ten year proformas for water and sewer projects increased levels of deferred maintenance activities. A hydraulic analysis is underway for the water system to identify any major weaknesses in the system. A storm drain master plan is also being conducted to identify overall needs within this system. Any increases in deferred maintenance efforts for the water, sewer, or storm systems will require additional rate increases beyond what is projected in the proformas.	3/10/2003	2002-07

Lead Department

PD

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Full Action	Action Num	Project Status	Update Date	Milestone
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Utilize Community Volunteers to better reach  
the community

H.I.I.A.1.h.

1/7/2002 2002-12

1/7/02 I was assigned management of the MPD  
Volunteers In Police Service Program (VIPS) in  
August of 2001. Some of the things we are  
doing to improve the program and better reach  
the community are:

Have expanded from 28 to 33 volunteers since  
August.  
Implemented monthly business/training  
meetings with meeting minutes and agendas  
prepared for all volunteers.  
Created a volunteer roster for better  
communication and call backs.  
Started a quarterly volunteer newsletter  
Looking to expand volunteers to all bureaus and  
divisions of the department.  
Identifying training needs.  
Increase recruitment efforts to include setting up  
information tables at public events, shopping  
centers, etc.  
Expanding volunteer assistance in abandoned  
auto enforcement.  
Looking into possible grant funds for volunteer  
training and equipment.  
Scheduling future field trips for volunteer  
training (February 2002 seminar).  
Elected volunteer coordinators for area offices.  
Assigned one volunteer as the lead volunteer  
coordinator to help manage the program.

9/5/01 Existing Neighborhoods will be  
scheduling meetings with Area Command Crime  
Prevention Officers to solicit community input  
in defining their communities. This can be  
done in conjunction with Neighborhood Watch  
meetings.

Develop and implement Youth Crime Prevention Programs

H.V.A.9.

The Modesto Police Department hosts a number of different programs aimed at crime prevention/awareness for our community youth. Among them are Diversion, WAKE-UP, PAL football, basketball, baseball, and soccer, and the Westview Gardens tutoring center. A new COPS in Schools Grant from the federal government has allowed the Department to provide School Police Officers at Garrison Elementary, Marshall Elementary and Mark Twain Junior High Schools.

12/12/2003 2002-12

Continue & enhance Crime Free Multi-Housing Program

H.I.A.2.

There are 39 fully certified apartment communities and one condominium community participating in the program which represents 4,788 living units. The program is being expanded to include smaller rental communities (10 units or less). The area Crime Prevention Officers have received in-house training, They started inspections in October 2003. HUD has expressed interest. Their properties will start the inspection process during the year.

12/8/2003 2002-07

Seven properties that were with the program for more than one year had a dramatic overall decrease of 32% in calls for service. On 2/4/03, the City Council approved funding for the continuation of the program through 2005. The Crime Free Multi-Housing Program will focus on duplexes and triplexes.

Improve upon Area Command Offices / Community Centers Relationship	H.II.F.1.b.	The Area Offices are under the direction of Lieutenants Bill Lyons and Joel Broumas. The offices provide the community information on crime prevention, telephonic reports may be made through the offices, and Area Office personnel continue to meet with community groups/Neighborhood Watch Groups regarding issues in different areas of town. Area Offices are used for community meetings such as Skate Park Advisory Board, Neighborhood Watch, National Night Out, etc.	12/8/2003 2002-07
Work with business community to create Business Crime Watch programs	H.II.K.1.j.	Nothing to report--just new employee lead	12/12/2003 2002-06
Perform Crime Analysis by crime type and evaluate clearance rates, convictions, arrests and costs	H.II.K.1.e.	Crime Analysis performed specific data collection and analysis for the performance measures tied to the Strategic Plan. This analysis included work on response times, crime types, and Modesto crime rates vs state crime rates, juvenile crime rates, and gang-related crime. This data was reflected in Excel spreadsheets and graphs.	2/4/2003 2002-12
Evaluate City's participation in StanCAT (Stanislaus County Auto TaskForce) for return on investment	H.II.B.5.	Ongoing interaction with the StanCatt Board comprised of the law enforcement executives within the county. Has taken on a very active role in directing this Task Force. Substantial information has been made in reporting, evaluating, and operating at reducing (or targeting) auto theft countywide and especially in Modesto as about one-half of all stolen autos occur within the City of Modesto. This effort will continue.	12/8/2003 2002-09

Lead Department

PER

Full Action	Action Num	Project Status	Update Date	Milestone
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Create an interdepartmental team to develop a Marketing Approach for Recruitment resources.

S.A.1.a.(2).

The Personnel Department has partnered with both the Engineering and Transportation Department and with the Police Department to target specific outreach recruiting efforts.

2/15/2004 2002-05

Enhance the City's Website to provide interactive tools (job application, supplemental questionnaires, etc.) to allow citizens to apply for jobs on-line.

S.A.1.a.(5).

Met with outside contractor to review job specifications. Supplemental questionnaires that accompany specific recruitments are now available to applicants on-line. By partnering with the IT Department, the interactive job application will be going online in January 2004

12/15/2003 2002-03

Lead Department

PR&N

Full Action	Action Num	Project Status	Update Date	Milestone
Expand upon efforts at the City Hall at the Mall to reach the community	H.II.A.1.g.	City Hall at the Mall began selling BART and ACE passes, and continues to accept utility payments from most local utilities, including telephone and cable.	6/4/2003	2001-12
Increase the General Plan open space standard.	XI.B.1.	This action is tied to the development of the General Plan update.	2/10/2003	2003-12
Work with the County to create a streetscape enhancement program for County pocket areas.	I.A.2.a.(7).	This project is on-going as new sites are developed.	12/2/2003	2003-01
Improve access to the Tuolumne River Regional Park	H.II.E.1.b.	Staff is working with the Ninth Street Improvement Project to provide access to the park. In addition, the Ninth Street Bridge Replacement is under way and staff is working with Stanislaus foods for a reopening of 10th street.	12/2/2003	2002-12
Physically and visually link downtown amenities to the Tuolumne River Regional Park Gateway parcel.	IX.B.4.	EDAW is working with TRRP staff on the Gateway parcel and negotiating with CED staff on the downtown connection.	12/2/2003	2002-12

Status

P

Lead Department

CEDD

Full Action	Action Num	Project Status	Update Date	Milestone
Ensure existing plans and zoning codes provide for mixed uses within neighborhoods.	V.A.1.a.	Being implemented as projects move forward (e.g. FMC Site, Roselle-Clairibel Specific Plan). General Plan Update will address policies to promote smart growth principles and mixed land use development within neighborhoods. Address in Master Plans underway (e.g. Roselle-Clairibel Specific Plan)	7/19/2002	2003-2007
Perform feasibility study for establishing locally-controlled venture capital funds to support entrepreneurship.	X.A.2.b.(3).	Sr. Business Analyst will continue this program.	3/1/2002	2002-12
Create early warning system for expansion opportunities, closures and relocations.	X.A.2.a.(2).	Sr. Business Analyst will continue this program	3/30/2002	2001-07
Prepare cluster analysis of the local economy.	X.A.2.c.(1).	Sr. Business Analyst will continue this program	12/31/2001	2003-12

Lead Department

PD

Full Action	Action Num	Project Status	Update Date	Milestone
Develop Block Party program	H.II.A.2.i.	This item should be moved to Police Department in conjunction with National Night Out.	3/1/2002	2002-03

Lead Department

PR&N

Full Action	Action Num	Project Status	Update Date	Milestone
Work towards development and implementation of Art in Public Places Ordinance.	C.II.B.2.	The Public Art Committee is looking into an ordinance of 2% for public art.	2/20/2003	2002-12
Prepare Parks and Open Space Master Plan and provide for development as described in the General Plan	H.II.H.1.a.	The City's revised General Plan will include an updated Parks and Open Space Master Plan.	2/10/2003	2003-12

# Action Item Update 2003 - All

Lead Department CEDD

Status A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
XII.A.1.	Form Development Partnerships between Private Sector	Hinchey office building, Kansas Avenue Business Park. Future items: housing, parking, hotel/motels	12/1/2001
VIII.A.1.a.	Develop Apprentice & Intern Programs	12/01 - Several City Departments have hired interns. Personnel has developed an intern policy. 1st class graduated 12/01, 2nd class in process	12/1/2001

Status C - Complete

Action Numb	Action Item	Project Status	Update Date
H.II.D.2.b.	Interdepartmental Review Team	Inter-departmental Development Review Team formed in January 2002. Meetings are held weekly to review development projects and look at ways to improve development process.	4/3/2002
X.A.2.e.(1).	Assist Minority Groups to Create a Community Develop	12/01 - DLA designated as CBDO 12/2000	12/31/2001
VIA.5.	Actively Participate in Environmental Decisions Impacti	Council authorized \$50,000 in additional funding for community-based partnerships for FY 2001-2002.	12/31/2001
V.C.1.a.	Protect Business Park Lands from Conversion to Other	12/01 - Implement - the general plan designates and protects business park areas	12/1/2001
H.II.B.1.a.	Zoning Ordinance	Code amended to provide for housing in commercial zones	6/13/2003
V.C.2.b.	Periodically Review Fee Schedule & Benchmark with S	12/01 - Report Completed	12/1/2001
I.A.2.a.(5).	Underground Utilities	To be initialized.	

VII.B.2.	Review and Update CFF, CFD and Utility Capital Chrg	CFF and Development User Fees increased 9/03 and 10/03.	7/22/2002
I.A.2.a.(14).	Proper Placement of New Utility Lines and Facilities	Referral process in place	6/13/2003
V.B.3.a.	School Districts Included in Development Review	Procedures in place	6/13/2003
XII.A.4.	Focus Housing Set-Aside Funds in RDA	Housing proposal under review.	
V.A.9.a.	Encourage Participation in Development Decisions	12/01 - Implemented - BZA, EDC committee and council forums, all of which offer public participation. Planning hosts neighborhood focuses needed.	12/1/2001

Status

D =Delayed

Action Numb	Action Item	Project Status	Update Date
I.C.1.a.(4).	Improve Ninth Street Storm Drainage and Streetscape	Storm Drain grant received. 9th/10th Street Project on hold.	7/19/2002
V.B.1.b.	Establish Annexation Policy Based on Developable Lan	On hold pending the General Plan update. Optimum land use mix is being examined in the Kiernan Business Park, as part of the North Gateway discussions	3/1/2002

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
VI.A.1.	Develop an Equitable Regional Tax-Sharing Agreement	City/County negotiating tax-sharing agreements as part of Kaiser Hospital annexation.	
H.II.B.1.b.	Expansion of Housing Inventory	Housing element currently in prepartaion.	12/1/2001
V.C.1.f.	Complete Planning & Entitlement Process for Priority B	Conducting mtgs w/property owners of Kiernan and KWBP for development and technical expertise; Partnerships for traffic studies on interchange.	7:22:02 AM
V.C.1.e.	Plan for Regional Retail Commercial Centers Along Hig	12/01 - Target Center and Lowe's Completed. Plaza Parkway revitalization underway. Vintage Faire Mall in progress.	12/1/2001
V.C.1.d.	Establish Sites/Services to Attract Technology-Based Bu	KWBP	

V.C.2.a.	Expedite Business Park Development Proposals	Kiernan Business Park Finance Plan to be Prepared	6/13/2003
V.C.1.c.	Focus Infrastructure Extensions on Economic Developm	This will be completed in conjunction with completion of the Storm Drainage water & sewer Master Plan in 2004.	2/7/2003
V.B.2.a.	Expand City Limits to Include County Islands/Pockets	Implement in 2003 Urban Growth Review Update program.	3/1/2002
V.A.7.a.	Upgrade Infrastructure and Target Infill Areas for Devel	Coordinate with Engineering & transportation and Operations & Maintenance on infrastructure master plans; examine infrastructure in the comprehensive General plan Update (2003-06).	3/1/2002
V.A.6.a.	Identify and Prioritize Community Buffer Areas	Address in the Comprehensive Update to the General Plan.	6/13/2003
V.A.5.a.	Establish Aesthetic Criteria for Development Project Ev	Being implemented as projects move forward (e.g. FMC Site, Roselle-Claribel Specific Plan, Kiernan Business Park).	6/13/2003
V.A.4.a.	Incorporate Smart Growth Design Strategies in General	Smart Growth design strategies will be addressed in General Plan Update.	
V.A.3.b.	Increase Multi-Family & Affordable Housing Inventory	Part of the General Plan and housing element updates and Urban Growth Review	3/1/2002
V.A.3.a.	Prepare General Plan Housing Element that Includes Ho	Housing Element currently in preparation	6/13/2003
V.A.2.a.	Create Development Incentives to Encourage Smart Gro	No Report	
III.B.6.c.	Orient New Development toward Multi-modal & Non-m	To be completed with General Plan Update	6/13/2003
V.B.1.a.	Perform Study to Determine Optimal Land Use Mix for	Address land use mix as part of General Plan update	3/1/2002
X.A.2.d.(1).	Identify and Market to Key Diversification Targets	Sr. Business Analyst will continue this program	3/1/2002
I.C.1.c.(3).	Implement Dual-Use Basin Design Standards Manual	Coffee-Clarantina basin constructed, Village I under construction, Fairview basin in design	6/13/2003
XII.B.2.	Develop Vacant Buildings	Sr. Business Analysis will continue this task.	3/1/2002

XII.B.1.	Staff RDA with Specialists	Recruitments in process.	3/30/2002
XII.A.5.	Evaluate/Explore Expansion of RDA	After review, there does not appear to be enough TI created to support the development	12/31/2001
XII.A.2.	Utilize the RDA to Leverage Private Investment in Indus	KWBP Under development.	7/19/2002
XI.B.2.	Design & Construct Community Amenities during Early	Being implemented as projects move forward (e.g. FMC Site, Roselle-Claribel Specific Plan, Fairview Specific Plan).	6/13/2003
IX.B.2.	Encourage Infill and Revitalization	Fees revised 7/03 to be revised on an annual basis. Proposed redevelopment master plan to include a land use analysis & economic absorption study to determine preferred uses that would qualify for a fee incentive program. Plan on hold pending council action	7/22/2002
XI.A.2.	Encourage Voluntary Agricultural Trust Methods	This action item will be addressed on a case-by-case basis as part of the environmental review process for future master plans.	7/22/2002
XI.A.1.	Purchase Development Rights Outside Ultimate Sewer S	No Report	3/1/2002
VIII.A.2.a.	Attract School of Engineering to UOP or CSUS	Part of the Alliance work program. We are monitoring them.	
X.A.3.a.(1).	Enter into DDA and/or OPA for FMC Property	Option to Purchase/Master Planning in progress.	12/31/2001
VI.A.2.	Support "Community Preparedness" Efforts	Work with Alliance development for workforce and economic development projects	7/22/2002
X.A.2.c.(2).	Attract New Industries that are Commuter Employers	Marketing Plan - web site production/advertising/newsletter. Alliance Silicon Valley satellite office, web presence	3/1/2002
X.A.2.a.(1).	Form Working Relationships with Area Employers	Sr. Business Analyst will continue this program	3/1/2002
IX.C.2.	Construct Flagship Housing Development in Downtown	Site locations under evaluation.	7/19/2002
IX.C.1.	Adopt Developer Incentives for High-Density Housing	12/01 - Redevelopment 20% set aside funds. Housing element currently in preparation.	12/1/2001

X.A.2.a.(3).	Affordable Office Space	Sr. Business Analyst will continue this program.	3/1/2002
IX.A.1.	Update Downtown Master Plan	RFP under development.	7/19/2002
V.A.8.a.	Develop Criteria for Project Evaluation and Apply to All	No Report	
VIII.A.3.b.	Actively Participate in Workforce Investment Board	Attends monthly meetings of Allaince.	12/1/2001
III.B.6.b.	Discourage Use of Drive-Thru Lanes	Address with General Plan Update	6/13/2003
VI.A.7.	Training & Teambuilding	Department renamed Community & Economic Development Department. Mission statement under revision to better reflect scope and purpose of activities. Revised mission statement will be used as basis of department-wide workplan integrating planning, building and economic development functions.	12/1/2001
X.B.1.b.(1).	Support the Regional Travel & Tourism Roundtable	Ongoing: Monthly meetings attended by staff. "74 Miles, 74 Reasons" Campaign	12/1/2001
V.A.10.a.	Customer Service	New public hand-outs are being prepared and some are posted on web.	4/3/2002
VIII.A.3.c.	Increase Opportunities for Youth Employment	Workforce Development program receiving referrals from Valley Business High	7/22/2002
V.A.10.c.	Interdepartmental Tidemark Taskforce	Tidemark Users Group formed February 2002. Group made site visit to City of Santa Clara, a user of Tidemark. Process mapping effort has been completed. IT & CED staff currently meeting and communicating with Tidemark to resolve problems.	4/3/2002
H.II.B.1.c.	Multi-family Housing During the First Phase	Included as a implementation program in the proposed housing element.	
V.A.6.b.	Ultimate Urban Limit Lines	Address the Comprehensive Update to the General Plan.	6/13/2003

Status

Ongoing

Action Numb	Action Item	Project Status	Update Date
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VIII.A.3.a.	Expand and Enhance Workforce Training & Developme	Seven pre-construction training classes complete. Overall employment rate of program graduates approximately 70%. Funding crises due to State budget reductions.	7/22/2002
X.A.1.a.(1).	Develop Business Marketing Plan	Web site production, web advertising, newsletter. Updated brochures/media, incorporate GIS technology, utility insert.	3/1/2002
VI.A.4.	Support Regional Economic Development Research	Working with the SCED and with Allaince to develop regional database	12/1/2001
IV.C.3.	Incorporate Telecommunications in Business Park Devel	Technology vision has been written for Kansas Woodland Business Park.	3/21/2003
V.A.10.b.	Performance Audit	A report has been developed to provide the City Council with quarterly status updates on performance review recommendations.	4/3/2002
XII.A.3.	Use Housing Set-Aside Funds to Improve/Increase Low-	Housing proposal under review for downtown area.	7/19/2002
VI.A.3.	Provide Assistance to Start-Up/Growing Businesses	Ongoing. Send businesses to SVSBDC for review.	7/19/2002
V.C.1.b.	Locate Business Parks Near Existing/Proposed Key Tra	KWBP & North Gateway Business Park are both located near key transportation corridors.	7/19/2002
V.C.1.I.	Future Business Park Sites	KWBP; N. Gateway BP and Kiernan BP in progress; Add'l sites reviewed in future.	7/19/2002
V.C.1.g.	Identify & Design Business Parks Based on Input from	Kansas Avenue Business Park - Kiernan Business Park - Identify other sites/create website for input	7:22:02 AM

Status

P - Pending

Action Numb	Action Item	Project Status	Update Date
C.II.A.6.	Tenth Street Mall	Sr. Business Analyst will continue this task. Milestone changed to 2004-06	7/19/2002
VIII.A.2.b.	Establish UC-Merced Satellite Campus in Downtown M	State budget concerns have delayed establishment of UC Merced Campus in downtown Modesto.	7/22/2002
X.A.2.b.(3).	Perform Feasibility Study for Locally-Controlled Ventur	Sr. Business Analyst will continue this program.	3/1/2002

V.A.1.a.	Update Plans/Zoning Codes to Provide for Mixed Use	Being implemented as projects move forward (e.g. FMC Site, Roselle-Clairibel Specific Plan). General Plan Update will address policies to promote smart growth principles and mixed land use development within neighborhoods. Address in Master Plans underway (e.g. Roselle-Clairibel Specific Plan)	7/19/2002
X.A.2.b.(2).	Refer Start-up and Growing Businesses to Small Busine	Sr. Business Analyst will continue this program	3/1/2002
X.A.2.b.(1).	Provide Low-Interest Loans to Export-Oriented Busines	Sr. Business Analyst will continue this program	3/1/2002
X.A.2.c.(1).	Prepare Cluster Analysis of the Local Economy	Sr. Business Analyst will continue this program	12/31/2001
X.A.2.a.(2).	Create Early Warning System for Expansions, Closures	Sr. Business Analyst will continue this program	3/30/2002

Lead Department CLK

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
VII.E.1.	Create Council Audit Committee	The audit committee considered the following: 1. The audit plan for the current fiscal year was adopted and subsequently presented to and adopted by Council. 2. The CityGate Associates performance study of the CDD operations. 3. The internal auditor presented the audit report on the Police Dept. Investigative Services Division cash fund audit.	12/31/2001
VII.E.5.	Research & Develop Internal Auditor Position	12-27-01: Position filled August 2001. Performance audit of the Parks, Recreation, and Neighborhoods Dept. HOME, CDBG, and ESG programs scheduled for completion 5/02. Performance audit of the Community Development Department demolition permit program scheduled for completion 1/02. Compliance report on Nirvana Drug and Alcohol Treatment Program's compliance with financial systems conditions in loan and grant agreements scheduled for completion 12/01.	12/27/2001

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
VII.E.4.	Develop Reporting Structures for Council/Citizens	Reassigned to City Clerk/Internal Auditors Office	3/29/2002
VII.E.3.	Develop Short & Long Term Audit Plans	Reassigned to City Clerk/Internal Auditors Office	3/29/2002

Lead Department CMO

Status

A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
VII.A.1.	Seek State & Federal Funding for Local Projects	<p>The City received 3 federal earmarks as part of the 2001-2002 budget cycle: 1) Bus Maintenance Facility, 2) Infrastructure in Distressed Neighborhoods, 3) Ninth Street Storm Drain. At present, we have 6 federal earmark requests pending: 1) Bus Maintenance Facility, 2) Virginia Corridor Rail-Trail Project, 3) Ninth Street Storm Drain, 4) AVL-CAD System for Police Cars, 5) Gallo Performing Arts Center Streetscape and 6) Partnership for Healthy Youth (lunchtime recreation programs).</p> <p>From the state, we received an earmark for the Tuolumne River Regional Park. We also received grant funding for the Briggsmore Gateway. Our state lobbyists are also assisting us in obtaining other grant funding for parks projects.</p>	7/9/2002
IV.B.1.	Seek Grant Funding for Technology	The City is currently applying for a grant related to code enforcement that is targeted for improving their services with wireless technology.	3/21/2003
H.I.A.7.	Work with Hispanic Media	The Communications & Marketing Division is currently working with representatives from Univision Channel 19, Telefutera Channel 27 and the El Sol newspaper to enhance communication methodologies between the City and each agency to outreach to the Hispanic community of Modesto.	7/19/2002

XIII.B.1. Conduct Town Hall Meetings in City Neighborhoods      The City continues to hold meetings to address issues specific to particular neighborhoods. Citywide workshops conducted during this quarter include: Housing (date of this)      7/9/2002

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
S.B.1.a.(6).	Strategic Plan Reporting Process	12-10-01. Revised Strategic Plan has been entered into a database. Departmental staff have been trained to input data into the database form which is accessible to identified departmental personnel. First formal reporting is scheduled for January 2002.	12/10/2001
IV.C.4.	Negotiate Aggressive Rebuild of Cable System to Includ	Digital cable is now available from Comcast, with Internet access date to be announced.	3/21/2003
VII.F.4.	Develop Better Performance Measure Reporting System	Draft reporting system was approved by the Safety & Communities Committee in June (Fire Pilot). Council review will occur in July.	7/9/2002

Status

D - Delayed

Action Numb	Action Item	Project Status	Update Date
III.B.2.b.	Establish Grants Coordinator Position	This position was converted to half-time, temporary due to budget constraints in the Manager's Office. Personnel has established an eligible list. Position will likely be filled later in the budget year.	5/3/2002
H.V.C.2.	Televising the Youth Commission	At the city's request earlier this year, AT&T Broadband began televising the city's Youth Commission meetings on a regular schedule. Now, as the city assumes the responsibility of managing the Public-Education-Government Access Programming system for cable television, the city will have a much greater opportunity to repeat such programming, and potentially increase the amount government programming overall.	12/31/2001

IV.C.2. Establish Telecommunications Policy

12-10-01. Because federal regulations have changed, staff has not moved forward on this item. We have established Trench Cut policies to protect our roadways.

12/10/2001

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
XIII.B.2.	Use Technology to Improve Citizen and Interagency Co	12-21-01. The City of Modesto is using new technology in many ways to enhance current services and provide easier, more efficient access to local government. Examples are: Automated Service Requests, Online Program Registration and Facility Reservation, Geographical Information Services (GIS), Pavement Management System.	12/21/2001
C.II.A.3.	Performing Arts Center(s)	Councilmembers Jackman and Frohman have volunteered to attend the monthly planning sessions of the PAC project team. This team is composed of County Staff as well as members of the PAC capital campaign. The City Manager also attends these meetings. The June meeting was held at 1010 Tenth street and involved the architect, Steve Gafney, briefing the attendees on the design features of the building. During the meeting, the group also discussed streetscape and street improvements. The City representatives were asked to consider City support for upgrades sidewalks, bus turnouts, utility relocations and street work, including possible improvements to the intersections of 10th & I and 11th & I.  In July, the group will be making a bus trip to Walnut Creek to visit the PAC in that City. Deputy City Manager George Britton will also be making this trip.	7/16/2002

H.I.A.8.	Increase Citizen Awareness	The Parks, Recreation & Neighborhoods Department has developed a Facilities Guide, available to the public in hard copy and online, that features information related to all city facilities. At this point, our primary focus is to continue promoting various programs via the city's website and through various news releases and public service announcements.	7/19/2002
IV.F.1.	Improve the INET Reliability	INET design complete. Contract has been negotiated; awaiting Council approval.	3/21/2003
XIII.A.1.	Develop Communications & Marketing Strategy	12-21-01. Draft report completed and awaiting review by City Manager and Deputy City Managers .	12/21/2001
IV.D.2.	Regional Governmental Action Plans	County portal has been released. GIS council has been established; operating principles and standards are being developed.	3/21/2003
S.B.2.a.(2).	Performance Measures	Pilot project for Fire approved by S&C Committee in June. PR&N and PD Performance Measures are in development. Council Review will occur in July / August / Septemeber.	7/9/2002

Status

0 - Ongoing

Action Numb	Action Item	Project Status	Update Date
IV.A.3.	Use Technology as a Budgetary Tool	12-31-01. Upgraded financial technology systems. Connecting the strategic plan to this years budget process. Moving forward with meaningful performance measures.	12/31/2001
VII.C.2.	Utilize CFDs to Pay for Infrastructure	Lead Employee and Department has changed as of 3/2001. Ongoing	3/16/2003
IV.C.1.	Welcome & Partner with Telecommunications Providers	Actively negotiating with Qwest and other carriers to bring competitive telecom services into the Modesto area.	3/21/2003
H.II.K.1.i.	Cost Recovery Programs	12-31-01. Continue to work with Departments to establish costs for various services. Evaluating Healthy and Safe Team permits and alarm registration/police response for full cost recovery.	12/31/2001

IV.C.5.	Communications Infrastructure Readiness	12-10-01. Connecting Stanislaus report has been completed. Staff will continue to work with community partners to improve technology in the region.	12/31/2001
IV.A.6.	Improve Internal Communications (Data Sharing, Strea	12-31-01. Streamlining data keeping practices, eg. Strategic plan and update, personal contact information, and employee directory. Upgraded several software programs that expand capabilities.	12/31/2001
C.II.A.5.	Public Broadcasting via Cable Television.	Working with the county schools, not for profit organization, and the public to develop a countywide broadcast network.	12/31/2001
H.II.D.2.e.	Healthy & Safe Development Team	12-31-01. Researching training possibilities for the H&S team. Moving forward with this item will depend on staffing and budget support.	12/31/2001

Lead Department E&T

Status

A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
III.B.1.a.	Assess Rail/Air/Bus Linkages for Connectivity	The Amtrak Station has curbside service hourly. A MAX route is within one block of the airline terminal.  United Airlines(UAL), code-sharing partner of SkyWest dba United Express, filed for bankruptcy protection in December 2002. UAL's financial problems will require a plan of reorganization and a possible reduction in United Express' service. Plans are underway to submit a request for Department of Transportation funding from the Small Community Air Service Development Program. Applications are due by June 30, 2003. Efforts are in the works to form a private/public consortium for air service and Horizon Air will provide their letter of support, which will be included as part of the application.	6/13/2003

III.A.4.a.	Link Street Maintenance to CIP/Budget	<p>CIP includes maintenance strategy projects, which are part of the City's 5-year plan for pavement maintenance.</p> <p>Staff has presented Council with a prioritized list of street projects that have been programmed into the CIP. The State Budget shortfall will impact the budget available for pavement maintenance in the future. The CIP has been adjusted accordingly.</p>	6/13/2003
III.A.2.b.	Design Roadways to Accommodate Non-motorized Use	All new roadways and asphalt overlay projects will be reviewed for their compliance to the Long-Term Non-Motorized Transportation System and Bike Lane Implementation Strategy on existing streets.	6/13/2003
III.B.3.b.	Promote Amtrak for Regional Travel	Amtrak is presently not designed to handle regional commuting. Amtrak is a private business and the City would be out of place in promoting it as something it is not, thus the wording on this item has been changed to drop the word commuting.	6/13/2003
II.A.2.	Perform Annual Rate Surveys	Staff is currently in the process of the 2003/04 garbage rate and program survey, which will be completed in August 2003.	6/13/2003
III.B.1.b.	Assess Air/Transit System Efficiency	<p>MAX cost per passenger, as well as other efficiency measures, consistently places MAX in the top 20% of transit agencies nationally.</p> <p>The Airport air service marketing presentation has been updated, and a travel survey has been added to the Airport website. Original projection of direct service to Los Angeles International Airport continues to be valid.</p>	6/13/2003
III.A.2.a.	Incorporate Smart Growth Principles in Transportation	Review and revisions of the General Plan is currently underway. Smart Growth principles will be included in any recommended amendments to the General Plan.	6/16/2003

II.C.3.	Develop and Implement Resource Recovery & Diversio	<p>A pilot recycling program was started at 4 elementary schools in the Modesto City School District. District officials were very supportive and within the next 2 years we hope to have an established program at all locations.</p> <p>Staff started a renewable energy projected working group to look at diverting cannery waste and other agricultural waste and converting it into energy. Support letters have been received from the community and staff will look at seeking Federal grant money to conduct a feasibility study.</p>	6/13/2003
II.A.1.	Conduct Fee Structure Analysis with Stanislaus County	<p>The Solid Waste Manager is continuing to work with the County in the City's best interest and monitors the County's financial transaction reports to ensure that revenues from fees are being used appropriately. The 10-year audit of the account is completed, and an audit of 2000-2002 is being initiated. A recommendation for a tip fee reduction will be considered by the Waste-to-Energy Executive Committee on June 12, 2003.</p>	6/13/2003
II.A.4.	Improve Customer Service	<p>Staff continues to oversee the garbage contracts and programs ensuring excellent services are being provided. Phone calls are being made weekly to all new residents to assist them with understanding our programs.</p> <p>Staff has gotten involved in three City/Community projects: the Anti-Litter Committee, the Roselawn Team, and the Weed and Seed Project. This allows staff to meet directly with residents to hear their issues or concerns and provide information.</p> <p>Staff began a pilot program in which the Solid Waste Office handles the investigation and removal of all illegal dumping that occurs on the street. This should result in cleaner streets throughout the City.</p>	6/13/2003

III.A.1.c.	Identify Revenues for Link Maintenance/Beautification/	Proposed CIP budget for FY 03-04 includes revenue sources for maintenance, beautification, right-of-way and construction.	6/13/2003
II.B.4.	Develop Illegal Dumping Education Program	Staff continues to present pollution-prevention information and education at community meetings, elementary classrooms and community events. Events completed in 2003 include Stanislaus County Home & Garden Show (March), Earth Day (April), Cinco de Mayo (May), and the Roselawn "Knock & Talk" Community Education Day (May).  In June 2002, staff began installing "Only Rain Down the Drain" storm drain stenciling in Spanish. To date, staff has installed more than 4,000 storm drain markers in Spanish. This storm drain project is supported by newspaper, radio, and billboard advertising.	6/13/2003
II.A.3.	Expand and Improve Containerized Green Waste Progra	Staff continues to enforce this program. We have partnered with Modesto Junior College and have a student intern checking containers weekly. 21 containters have been pulled for non-compliance since the start of this program. 766 yellow first-notice violations have been issued, and 112 red second-notice violations have been issued.	6/13/2003
III.B.1.c.	Long Range Transit Plan	A Long Range Transit Plan was adopted in August 2001. Recommendations will be implemented as warranted.	6/13/2003
II.B.1.	Create Permanent Year-Round Hazardous Waste Collect	The permanent Household Hazardous Waste facility at 1716 Morgan Road continues to provide residents with free disposal of household hazardous wastes. The availability of this facility continues to prove successful in diverting illegal dumping and ensuring proper disposal.	6/13/2003
I.B.1.a.(2).	Keep Rates Current through Annual Small Increases	The Utility Rate Setting function has been reassigned to the Finance Department. Finance currently has a recruitment underway to fill a vacancy to take the lead on rate setting for the three utility enterprise funds.	2/7/2003

I.A.1.a.(1). Conduct Annual Rate Reviews  
 The Utility Rate Setting function has been reassigned to the Finance Department. Finance currently has a recruitment underway to fill a vacancy to take the lead on rate setting fo the 3 utility enterprise funds.  
 6/13/2003  
 Annual garbage rate review is underway.

C.I.B.1. Earth Day  
 The Annual Earth Day in-the-Park event was held on April 12, 2003 and had 79 vendor booths. Sponsorship totaled \$19,300 in cash and in-kind services, an 8% decrease from last year. Attendance was low this year due to inclement weather conditions. Staff estimates there were approxiamtely 3,000 people in attendance. Staff has confirmed the 2004 event for April 17th.  
 6/13/2003

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
V.C.1.h.	Develop Dual-Use Stormwater Basins in Commercial/In	Included in Stormwater Standards update, adopted by Council in November 2002	2/7/2003
I.A.2.a.(9).	Remodel Police Station	Bids were open on 11/27/01. The apparent low bidder was Bollo Construction from West Sacramento at \$2,279,820. Work has been completed.	2/7/2003
III.A.1.e.	Adopt Roundabout Policy	City Council adopted the Roundabout Policy on September 3, 2002.	2/7/2003
I.A.2.a.(1).	Update and Adopt Streetscape Policies	11-30-01 - City downtown streetscape approved by CLIC of BIA. Included in the new Standards, effective January 1, 2002.	11/30/2001
III.A.1.a.	Identify Bottlenecks in Road System	Project completed. List of bottlenecks was presented to the City Council on April 24, 2002. Staff was directed by Council to prioritize the list. Staff will develop a priority list, as directed by Council.	7/18/2002

II.C.2.	Prepare Resource Recovery Assessment	In February 2003, the California Integrated Waste Management Board (CIWMB) approved a recycling diversion rate of 61% for the year 2000. Therefore, The City of Modesto has successfully met and surpassed the required diversion mandate of 50% in the year 2000. The CIWMB has complimented the City on the numerous programs it has implemented and offers to its residents.	2/7/2003
I.A.2.a.(2).	Improve Oversight/Regulation of Developer-Installed In	11-30-01 - The new Standard Specifications have some enhanced features. New standards become effective January 1, 2002.	11/30/2001
I.B.1.a.(3).	Adopt an Urban Water Management Plan	11-30-01 - Completed with the adoption of the Urban Water Management Plan on 9/18/01.	11/30/2001
I.C.1.a.(1).	Increase Storm Drainage Standard to Protect Property	New standard specifications for storm drainage were developed and adopted by City Council in November 2002.	2/7/2003
I.C.1.c.(1).	Adopt Dual Use Design Standards	12-21-01 - Adopted December 2000.	12/21/2001
III.B.4.c.	Expand Private Hangar Space at Airport	Construction of Corporate Hangars is now complete and Sky Trek Aviation and Foster Farms have taken occupancy of their newly constructed hangars. Sky Trek Aviation has lost interest, at this time in another property option.	2/7/2003
III.A.1.g.	Integrate City Traffic Signals with Caltrans	Traffic Signal Retiming Project is complete. Minegar and Associates has developed and submitted their final report. The final report shows a benefit of fuel savings to be approximately \$9.5 million per year city-wide. Additional benefits identified are a major reduction in air pollution and travel delay. These are extraordinary results. The final results were presented to the City Council in July, 2002. Request for Proposals for retiming of downtown traffic signals will go out in April 2003.	2/7/2003
III.B.2.c.	Hire State Transportation Lobbyist	12-21-01 - Contract signed in March.	12/21/2001

I.B.1.a.(4). Urban Water Management Plan Update

Urban Water Management Plan was adopted by Council in September 2001.

4/30/2002

Status

D - Delayed

Action Numb	Action Item	Project Status	Update Date
I.C.1.a.(2).	Adopt Fully-Funded Stormwater Fee Structure	The development of a new storm drainage fee structure is tied to the completion of the Storm Drainage Master Plan. The Storm Drainage Master Plan is currently underway and is expected to be completed by December 2003. An update to the storm drainage fee structure will reflect the results of the Storm Drainage Master Plan.	6/13/2003
III.A.1.d.	Modify Development Standards to Eliminate Bottleneck	Staff is still waiting on the 1st Bonded CFD Formation and how that is structured so that the next Standard Specifications update can incorporate the steps in forming a bonded CFD to address complete street build-out to eliminate bottleneck situations.	6/13/2003
I.A.1.a.(2).	Perform Utility Benchmarking	Lack of available staff has delayed this item. The recruitment to fill the vacant staff position is currently underway and it is expected that the Utility Benchmarking Task will be completed in Fiscal Year 03/04	6/13/2003

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
H.II.K.1.k.	Community Safety - Identify critical problem areas	Problems are being identified through citizen input, staff evaluation, and master planning efforts. Identified solutions are being programmed in the CIP as funding is available in the respective areas. An inventory of all missing ADA ramps within the City have been completed.	6/13/2003
III.A.1.b.	Expand and Enhance ATMS/CCTV System	Construction of the extension of the fiber optics in the northeast section of town is complete. The northwest section was bid out in March 2003. The project was awarded to SB Cable on a low responsive bid basis.	6/16/2003

III.B.3.a.	Provide Rail Connections to ACE Train	<p>While the Long Range Transit Plan indicates that light rail is not cost-effective for Modesto within the foreseeable future, monies have been earmarked in the state budget for an extension of the ACE (Altamont Commuter Express) train service to Modesto. The designated funding is inadequate to complete the project and, in light of the state's present fiscal status, there may be few additional dollars forthcoming. Staff will continue to explore this option and offer MAX connections to ACE in the interim.</p> <p>Stanislaus County completed a study of the feasibility of extending the ACE train to Modesto and Turlock. The conclusion was that it is feasible, but that additional study would be needed to identify all costs and benefits as well as environmental impacts. The County is now studying this matter in more detail.</p>	6/13/2003
IX.B.5.	Alternative Transportation Options	<p>Staff reported to the Economic Development Committee in May 2003 that there are no comparable cities with successful downtown circulator systems. Staff will continue to explore alternative transportation options to reduce vehicle impacts in the downtown core.</p>	6/13/2003
I.B.1.b.(1).	Assemble Regional Task Forces for Water & Wastewater	<p>Planning is in progress. Grant funding for feasibility study has been secured. A consultant has been selected to perform the feasibility study. Assembly of a Regional Task Force will be completed as part of the study.</p>	6/13/2003
III.A.1.f.	Prepare and Adopt Access Management Guidelines	<p>Draft Guidelines prepared by Dowling and Associates (Feb. 29, 2000). Reviewed by Osner, Mitchell, Canell and Helen Wang with comments back. Then, on hold, pending resolution of 1) Expressway Access Guidelines; 2) Roundabout Policy. Contract with Dowling (Joe Holland) is \$15,000 with \$9,842.07 expended to date.</p>	6/16/2003

III.B.2.a.	Develop Transportation Expenditure Plan	Staff is working on a preliminary plan to present, if this item moves forward through StanCOG. Plans for Fresno and San Joaquin Counties are being used as models. At this point we are awaiting action by StanCOG to determine whether the item will move forward.	6/13/2003
H.II.G.1.a.	Street Design Standards	Staff comprehensively evaluated Village One for traffic calming opportunities. Staff developed and Council adopted a roundabout policy. Staff has conducted several neighborhood study sessions to inform and familiarize citizens about roundabouts. Subsequently, Council has approved several roundabouts.	6/16/2003
III.B.4.b.	Develop Non-aviation Uses at Airport	<p>Consideration is being given to changing the designation of airport property where a restaurant/hotel was previously recommended at Mitchell Road and Tenaya Drive. Staff is now looking at the possibilities of using this property for aviation use rather than non-aviation use. It is anticipated that a final determination will be made by the time the Airport Master Plan is completed in May 2003.</p> <p>Staff continues to explore additional avenues of development.</p> <p>No efforts are currently in progress regarding potential restaurant operation. This will be delayed until the Airport Master Plan is updated.</p>	6/13/2003
I.C.1.a.(3).	Form Partnerships to Develop Regional Storm Drain Sol	This will be completed once the Master Plan is at least 80% complete.	6/13/2003
I.B.1.a.(1).	Develop Water and Wastewater Master Plan	<p>Work on updating the City's Wastewater Master Plan is underway and is expected to be completed in early 2004.</p> <p>Development of a comprehensive Water Master Plan is budgeted for FY 2003/04. However, a component of that Master Plan - creating a hydraulic model of the system - is currently under way.</p>	6/13/2003

Status

0 - Ongoing

Action Numb	Action Item	Project Status	Update Date
II.C.1.	Expand Recycling Education Program	<p>Ongoing education continues for all of the City's recycling programs via CityPride Citywide utility billing inserts, new resident packets and web page articles and information. Additional efforts include billboard at Modesto A's ballpark, installation of 20 bus benches and 37 interior bus signs. Installed approximately 50 new recycling containers throughout the City, and began production of three television commercials promoting recycling of beverage containers.</p> <p>Promotion of Earth Day Festival via Council presentations, school and public presentations; promotion of Business Recycling Award winners; promotion of compost class and bin sales, and booths at community events.</p> <p>Published and mailed Volume 4 of Waste Not, Want Not, a business newsletter addressing waste streams and recycling issues.</p>	6/13/2003
II.B.2.	Coordinate with County for Hazardous Waste Disposal	Staff continues to participate on the Stanislaus County Hazardous Waste Advisory Committee. The Advisory Committee reviews hazardous material disposal and recycling needs within the community, as well as budget analysis. The next meeting is set for July 25, 2003.	6/13/2003

II.B.3.	Enhance Tire Recycling/Collection Program	Conducted 1 Tire Amnesty Event, resulting in the collection of 955 waste tires, (20.76 tons).	6/13/2003
		Completed and closed out existing tire clean up grant. Submitted final report and payment request for \$12,258.14 for total grant cycle expenses. Developed and submitted application for the next cycle for the tire cleanup grant.	
		Awarded grant in May 2003 for \$68,016.55 to clean up \$1,300 waste tires in the Tuolumne River/Dry Creek areas and approximately 4,000 illegally dumped tires throughout the city during the 18 month grant cycle.	
		Hired new solid waste temporary position for tire/television collection.	
III.A.3.a.	Collaborate Regionally on Circulation Policies	StanCOG is working with Stanislaus County and other jurisdictions to adopt expressway corridors and associated design standards. The City of Modesto is actively collaborating with StanCOG in achieving this goal.	6/16/2003
III.B.4.a.	Expand Corporate & General Aviation Uses at Airport	T-Hangar K is completed and all units in the hangar are leased. Annual revenue from this hangar is expected to be approximately \$29,000.	6/13/2003
		Expansion plans for General Aviation and Corporate Facilities will be recommended when the Airport Master Plan Update is completed.	
		Waiting for completion of the Airport Master Plan which will recommend future corporate and general aviation facility development.	
H.II.G.1.c.	Traffic Calming Devices	Staff is developing standards in cooperation with the fire and police departments. This is ongoing.	6/16/2003

Status

P - Pending

Action Numb	Action Item	Project Status	Update Date
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III.B.1.d. Maintenance of Railroad Crossings

The City of Modesto is not allowed to work on railroad tracks, nor within two feet of the railroad tracks. Many of the crossings have been replaced with precast concrete crossings by the railroad. In this case the City is at the mercy of the railroad. This is a no-win item.

4/30/2002

Lead Department : FD

Status

A - Complete- Ongoing

Action Numb	Action Item	Project Status	Update Date
H.II.A.2.1.	Emergency Operations Plans	The City of Modesto Emergency Operations Plan is an ongoing document that continually addresses the role of the City during various major emergencies. The plan needs annual updating and city-wide training on its use. The new updated plan will be distributed in the first quarter of 2004. A terrorism annex is being developed and will be added to the plan in the future	2/2/2004
H.I.B.10.	Collaborate with Ambulance Providers	In November, 2002 Mountain-Valley Emergency Medical Services Agency (MVEMSA) completed the contract renewal process with all of the Ambulance providers in Stanislaus County. As required by the contracts, a "System Status Committee" was formed. The Emergency Medical Service Committee (EMSC) will continue to monitor information provided by MVEMSA staff and the stanind committees invoved with emergency medical services delivery within Stanislaus county. Through the EMSC, there are on-going discussions related to the merging of the ambulance dispatch services within the Stanislaus County Emergency Dispatch Center. As an interim step, the ambulance providers have all come under one roof at the AMR dispatch center located in downtown Modesto.	2/12/2002

H.III.B.2.	Community Emergency Response Team	The Community Emergency Response Team (CERT) was formed in November 2003. We had 63 citizens complete the training. This year we have received another FEMA grant to put on additional CERT classes. We are adding instructors and hope to train an additional 120 citizens in CERT.	2/4/2004
H.I.B.4	Regional Fire Training Center	The Fire Department continues to play a major role in management of the RFTC. The use of the center continues to increase, and revenues are rising due to facility rental.	2/12/2003
H.IV.A.5.	CPR & Early Defibrillation Training	The community CPR program continues with classes offered once a month. As part of our Community Emergency Response Training (CERT) program CPR is taught to CERT program attendees.	2/4/2004
H.I.B.3.	Emergency Operations Center	The Emergency Operations Center is complete, and a use procedure has been developed. A cost sharing agreement is again being negotiated.	6/12/2003

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
H.III.A.2.	Benchmark Against National Standards	A new procedure has been developed and implemented to improve response accuracy to alarms. Several response types have been reclassified to improve system reliability.	2/12/2003

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
H.IV.A.1.	Advanced Life Support	The program officially began on Engine 24 on July 19, 2003. This project continues it's pilot evaluation period. Strategic Plan:H.IV.A.1 Develop pilot Advanced Life Support program.	2/4/2004

H.II.A.1.e.	Safe Houses	This item has moved from its conceptual stages to a research stage and we anticipate further action in Summer of 2004. This item is dependent on the completion of the West Side Service Center (Action Item: H.II.A.1.d)	2/4/2004
C.IV.B.2.	Fire Department Museum	The relocation and building of the Community Center that will house Station #2 continues to progress. It is anticipated to open in the Spring of 2004. Discussions continue on the conversion the the exiting station to a fire museum after staff have been relocated.	2/12/2003
H.I.B.2.	Communications Center	The JPA recently approved the 2003-04 budget for the communications center. Revisions of the cost sharing agreement was again discussed and a verbal agreement was made to pursue an updated cost sharing format.	6/12/2003

Status

O<sup>-</sup> - Ongoing

Action Numb	Action Item	Project Status	Update Date
H.II.K.1.a.	Automatic Fire Sprinklers	We continue to closely review proposed plans for new construction and tenant improvements. We are requiring the installation of Automatic Fire Sprinklers in all facilities that meet City's the requirements. We are actively requiring these facilities to meet current fire code requirements or provide alternate fire prevention technology that provides the same level of safety for our community.	2/12/2003
H.III.B.1.	Domestic Terrorism Threat	Local preparedness efforts continue to be coordinated through the City/County Domestic Terrorism Task Force. Stanislaus County, as the Regional Area Coordinator, has applied for and received grants to provide both equipment and training to local responders in case of a terrorism incident. A regional approach continues to be used by the task force to address our local needs. On August 7, 2003 a full scale exercise was organized to test the area's response to a major incident.	6/12/2003

H.I.B.9.	Mutual Aid Agreements	Agreements with Stanislaus Consolidated and Burbank Paradise have been updated to improve efficiency emergency response. Each of these agreements will now be reviewed annually.	6/12/2003
H.V.A.8.	Mentor Program	No formal program has been implemented to address this component of the Strategic Plan. This is an ongoing process supported by career presentations, drunk driving programs and other contacts.	12/31/2001
H.I.K.1.b.	Fire Prevention Program	<p>The fire department continues to participate in community events involving juvenile activities. During the spring months many schools have hosted carnivals and safety fairs giving fire department personnel the opportunity to teach fire safety to hundreds of kids.</p> <p>In addition to the school programs, there are several family events throughout the city that fire prevention and suppression personnel have attended. These programs include the 4 Footed Fun Faire, YMCA Health and Safety Faire, Cesar Chavez Celebration, Cinco De Mayo, Carol Sund Event and Career Day for the Pearson Alternative Center. These events and others like them give us the opportunity to reach out to a wide age range of young kids and teenagers.</p>	6/12/2003
H.I.A.1.d.	Fire Station Facilities and Police Department Communit	Progress continues on the Westside Services Center. The design is nearly complete and several community groups have assisted in this project. The plans have been accepted by the City Council and the project is moving forward. A community meeting room has been included in the design and facility design has been completed.	2/4/2004

Lead Department FIN

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
S.B.3.a.(1).	Post all RFPs and RFQs	This project will be completed by January 31st	12/31/2001

S.B.3.b.(2).	Recycling of Business Equipment and Supplies	Reviewed and updated surplus property procedures to assist departments in the processing of surplus property.	3/29/2002
S.B.1.a.(1).	Monthly Budgetary Reporting	Reviewing and updating BRASS reports.	3/27/2002
S.B.4.a.(3).	Web Access	The following services can currently be accessed through the Web: Business License Applications and Listings and Utility Billing Automated Clearing House (ACH) Payment Applications.	3/27/2002
VII.A.2.	Reevaluate Sales Tax Agreement with County	After a review, it was determined that the current Tax Sharing agreement with the County was the result of a negotiation process that lasted more than a year and generates in excess of \$500,000 to the City. There are no plans to renegotiate this agreement at this time.	12/31/2001
S.B.3.a.(2).	On-line Bidding	The Purchasing Web Page is operational for the posting of Bids via the Internet.	3/27/2002
VII.F.2.	Expand Budget Process to Allow for More Council/Citizen	Budget process involved FPC and other Councilmembers.	12/31/2001
VII.F.1.	Train Council, Staff & Interested Citizens in Budget Pro	Finance has monthly FPC workshops to inform the Council and Citizens which is televised on Cable.	12/31/2001
VII.D.2.	Develop Policies to Support Increased Reserve Levels	As part of the budget process for Fiscal 2002, staff recommended and the City Council adopted a policy that increases the recommended General Fund Reserve from 5% to 8%.	12/31/2001
VII.E.2.	Prepare Budget to Fund Auditing Systems	Budgeted 150,000+ in the City Clerk's office for Internal Audits and budgeted 50,000 in Finance for External Audits.	12/31/2001
VII.D.3.	Develop Comprehensive Reserve Recommendations Bas	As part of the budget process for Fiscal 2003, the Finance Department will assess current reserve levels in the General Fund and the Internal Service Funds. Specific recommendations will be made to Council for changes in the policies where they are deemed to be warranted.	12/31/2001

Status

D - Delayed

Action Numb	Action Item	Project Status	Update Date
VII.F.3.	Improve Quarterly Budget Reports	Starting with the Midyear staff report in February. Reports will show improvements in this area.	12/31/2001
S.B.3.b.(3).	Multi-government and Regional Strategies	Due to budgeting and staffing issues this project has been delayed. Request that Milestone be changed to 2003-12.	3/29/2002

Status

E - Eliminated

Action Numb	Action Item	Project Status	Update Date
S.B.1.a.(4).	Improved Quarterly Reporting	The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.	3/29/2002

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
S.B.1.a.(7).	Capital Project Reporting Process	Reviewing and updating BRASS reports.	3/27/2002
S.B.2.a.(1).	Budget Documents	We are presently developing more infomaker reports.	7/15/2002
S.B.4.a.(4).	Comprehensive Accounts Receivable System	No Report	
S.B.1.a.(5).	Revenue Monitoring and Reporting Systems	The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.	3/29/2002
I.A.1.b.(1).	Explore Infrastructure Financing Systems	The Finance Department is working with the Susan Goodwin Group now examining possible strategies for Village One. The results should go to Council this Spring. We are also developing two other proposals to re examine the development fees associated with the Capital Facilities Districts (CFD's), Capital Facilities Fees (CFF's) and the capital portion of our utility fees. Increased revenues will enhance our ability to consider bonding options.	3/29/2002

S.B.1.a.(3). Treasury and Investment Reporting The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting. 3/29/2002

Status

0 - Ongoing

Action Numb	Action Item	Project Status	Update Date
VII.C.3.	Target CIP Projects for Economic Development	Finance will be working with Community Development's Economic Development Division for the upcoming budget year FY 02-03.	12/31/2001
VII.B.1.	Determine Costs of Growth and Identify Revenue Strea	We are moving forward in several areas concerning this Action Item. This spring we will issue a Request for Proposal for a thorough review and possible update of our Capital Facilities Fees (CFF). In addition, this year we should be able to issue an RFP that, as part of a comprehensive look at our Water and Wastewater rate structure, will determine the adequacy of our current utility capital charges.	12/31/2001
S.B.1.a.(2).	Monthly Cas Reports.	The Department is currently investigating procedural and software options that will enable us to use financial databases to improve all of our financial reporting.	3/29/2002
S.B.3.b.(4).	Inventory Practices and Procedures	Lowering inventory levels as part of an ongoing effort to implement Just In Time (JIT) inventory control.	5/20/2002
VII.C.4.	Simplify Budget Process to Differentiate between Maint	Last year the Finance Department began an intensive evaluation of the entire CIP process. The first results of this multi-year project will become apparent with the Fiscal 2003 budget. There will be a clear distinction between maintenance and capital projects and improved CIP reporting.	12/31/2001
S.B.3.b.(1).	Procurement Card Use	Performing ongoing random line item audits of the Procurement Card statements	3/29/2002
VII.D.1.	Expand the Use of Internal Service Funds to Increase Re	We are currently analyzing current Internal Service Funds to assure that rate and reserve methodologies are adequate. We expect to make some recommendations for change as part of the Fiscal 2003 Budget Process.	12/31/2001

VII.C.1. Consider Bonded Infrastructure Financing

The City has several projects going at present whose goal is to determine the costs of the infrastructure and financing possibilities for Village 1, other current and future Capital Facilities Districts (CFD) and storm drain needs along Ninth Street

12/31/2001

Lead Department I&T

Status

A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
IV.H.3.	Critical Network and Server Problem Areas	Staff are in the process of updating the City's Intranet and Internet strategy including ownership issues, keeping the information fresh and identifying new static and dynamic items to add to the web sites for improving e-government services.	12/12/2003
IV.H.4.	Funding for Computer Replacement Program	The IT Department has made a presentation to the Finance Committee and received their recommendation for a lease program to fund the City's replacement program on a 3-year cycle.	7/19/2002

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
IV.L.1.	Data Warehouses	Both the financial and human resource warehouses have been completed.	3/21/2003
IV.K.1.	Information Technology & GIS Committees	The GIS Advisory Group has not met recently and is being evaluated as to whether or not it should be consolidated into the IT Advisory Group.	12/15/2003

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
IV.F.2.	Establish Dedicated Return Line from EOC to Tenth Str	This is being planned for in the new INET design in conjunction with Comcast.	3/21/2003

IV.G.1.	High Standard Based Firewall	Software-based firewall systems were replaced with a hardware-based firewall systems at both Tenth Street Place and Modesto Police Department. An IDS system was installed. An external connection audit is being performed to identify and document external routes.	3/21/2003
IV.L.5.	Manage Documents More Efficiently	This implementation of a document imaging system has been delayed due to a lack of funding.	3/21/2003
IV.L.6.	User Accounts Expansion	No Report	
IV.B.2.	Identify Public-Private Technology Partnerships	AT&T/Comcast, City Schools and County are participating in INET.	3/21/2003
IV.J.1.	Centralized Electronic Repository	City web site now includes a "City Services A-Z" database, online Business License listings, and City/County Contracting Opportunities.	3/21/2003
IV.M.2.	Master Address File	Staff is currently researching addressing standards and the availability of existing address files. The GIS Advisory Group assigned this project, combined with Master Land Use file, as their number one priority.	3/21/2003
IV.K.2.	GIS Needs Analysis	After several delays, the inventory has now officially begun. To date, approximately 15 interviews have been conducted. The interview process takes about 30 minutes to one hour to complete. The results provide us with information of what maps and data sets are used or needed (not only GIS related) and how they are utilized.	3/21/2003
IV.L.4.	Access to Oracle Tools, Discoverer, Forms and Reports	The Oracle Discoverer report writing tool has been rolled out to seven departments City-wide.	3/21/2003
IV.I.3.	Outreach and Evaluation	Addressed enhanced contract capabilities through preparation of standardized email form. Initial release completed on all department home pages. Reviewed entire website to ensure accurate page titles and meta tags for increased search engine visibility (still in progress).	12/31/2001

IV.M.1.	Agency-wide GIS Program	In conjunction with Stanislaus County, staff have recently held a meeting to encourage agencies throughout Stanislaus County to partner together to form the Stanislaus Regional GIS Consortium which would serve as the sub-region to the California State GIS Council. The group was provided an overview of the purpose of formation and was asked to also fill out two surveys requesting GIS data currently worked with and level of discuss formation.	12/15/2003
IV.A.5.	Modify Internal Processes to Accommodate E-governme	IT staff has implemented an interactive voice response system for utility billing. City of Modesto accepts utility billing payments via credit card 24X7.	12/31/2001
IV.A.2.	Develop Standards, Policies & Procedures for Technolo	Policies were developed for Computer Use, E-mail Use, Internet Use, Desktop Hardware Standard and Office Automation Software Standard. Work continues to develop policies for Security and Separation and a Wireless Technology Standard.	3/21/2003
IV.A.1.	Implement Technology Action Plan	Staff have been working on the development of a data architecture plan that will lay the foundation for planning future system acquisitions. In addition to this, staff are working through the RFP process to select a vendor to perform a business analysis and requirements study to help City staff and the IT Department understand its business processes better and determine areas for improvement including efficiencies via systems integration.	12/12/2003
S.B.4.a.(2).	H.T.E. Upgrades	No applicable relevancy. I am not involved with this project.	
S.B.4.a.(1).	Web Based Customer Information Systems	The city is currently piloting the ablitly to apply for job positions from the city's web site. This ability will allow a job applicant to completely fill out a job application over the internet safely and securely. The processs also inlcudes the additional supplemental requirements that some positions require as well as attaching resumes and additional applicable electronic documentation.	

H.II.K.1.g.	GIS Modeling	No Report.	12/12/2001
H.II.K.1.c.	On-Line Access	Access to information on-line has increased greatly over the quarter through new services offered. The most dramatic to note is the Webcasting of Council meetings. This has allowed both external and internal customers to view a council live in session as well as the ability to perform research of past council action through the archiving capability.	1/30/2004
IV.D.1.	Advanced Communication Service	No Report	
IV.A.7.	Establish Integrated Network System	INET, CBEG and MPD efforts are continuing in movement to IT. Network assessment has been performed.	3/21/2003
IV.K.3.	GIS Strategic Plan	No Report	
IV.H.2.	List of Projects and Internal Strategies	The IT Department has developed five-year plans which are updated annually focusing on proactive preventative maintenance. The IT Department has also implemented monthly a maintenance window for planned maintenance of its computer and network systems.	3/21/2003
IV.A.8.	Develop E-Commerce Strategy for 24/7 Service	No Report	
IV.E.4.	Training in Computer Virus Prevention	Staff provides a presentation at the new employee orientation to train and educate new employees on computer borne viruses and City's computer policy covering this issue.	3/21/2003
IV.G.2.	Standards-Based PC Desktops	No Report	
IV.E.1.	Establish Technology Training Programs for City Softw	Steps to accomplish this goal have been delayed due to lack of funding.	3/21/2003
IV.L.3.	Automate & Synchronize Mapping	Staff recently completed a process to automate a portion of our GIS Intranet and Internet site maintenance. The automation of a portion of the previously manual process will greatly reduce the staff hours required to update these GIS web applications.	12/15/2003

IV.H.1.	Benchmark With Other Agencies	A site visit was made to Santa Clara to review their building permit service program compared to Modesto's. It was determined that both agencies are providing similar services and performance levels and both were looking to improve their processes using E-Government technologies.	4/3/2002
IV.E.3.	Encourage Intranet/Internet Utilization for Employee Sk	No Report	
IV.G.3.	High Level Virus Protection	A high standards virus scanning and SPAM filtering device was installed. An enterprise-wide virus scanning plan was implemented and enforced.	3/21/2003
IV.L.2.	GIS Intranet and Internet Sites	Staff have recently added additional data sets and reporting capabilities to the GIS Intranet site. The more significant of these is the ability to generate a population report based on the 2000 Census and a resident mailing labels report.	12/15/2003
IV.E.2.	Create Links to Educational Systems for Professional De	This action has been completed. The local school district, Modesto Junior College and Stanislaus State University have all be contacted and partnered with to hire students/interns. The interns have added value to the City's Information Technology programs while providing them with on the job training and professional growth opportunities.	3/21/2003

Status

0 - Ongoing

Action Numb	Action Item	Project Status	Update Date
IV.A.4.	Increase Exposure/Access to Technology for all Modest	Personnel job descriptions and employment application are now available online.	12/12/2003
IV.I.2.	E-Gov Services	Created Personnel data warehouse for ad hoc reports on the Personnel System via the City's Intranet reporting tools and created revenue data warehouse for ad hoc revenue reports for the online general ledger OLGL.	7/19/2002
IV.I.1.	Oversight and Maintenance of Desktop Workstations	IT staff has upgraded the Financial and HR server equipment to ensure enough disk storage is available and that processing and memory performances are met.	12/12/2003

Lead Department O&M

Status A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
III.B.6.a.	Develop Plan to Convert City Vehicles to Alternative Fu	<p>Fleet Services recently participated in a one-year deployment of 21 Neighborhood Electric Vehicles (NEV's) for evaluation in several applications. In addition, staff is in the process of purchasing three (3) more Hybrid sedans. Other alternative-fuel applications are being evaluated. [12/10/2003]</p> <p>Staff has aggressively been purchasing Ultra Low Emission Vehicles (ULEV); 49 ULEV have been purchased in the last two years. Two Super Low Emission Vehicles (SULEV) have been purchased along with two Zero Emission Vehicles (ZEV). In addition, grant funding has been sought for two additional ZEVs.</p> <p>Repowered 18 older model diesel buses with clean-burning diesel engines. Only clean burning low sulfur diesel fuel is now being purchased for the fleet. [3/10/2003]</p>	12/10/2003
S.A.4.b.(2).	Self-Directed Work Teams	<p>Forestry teams have reached a level of maturity. They are performing meeting functions that has allowed them to learn a few tasks that had been the responsibility of supervisors. The biggest result of teams has been a general move to the employees solving minor relational problems.</p>	3/14/2003

I.C.1.b.(2). Expand Rockwell Education Program

12/10/2003

Developed "Go with the Flow" educational video; Estimated 1000 elementary students watched the video. Staff attended Principal/Teacher meetings to promote the Video and try to integrate it into class curriculums. Approximately 200-300 students took field trips and participated in classroom sessions conducted by a Stanislaus County-Tuolumne River pollution prevention awareness program. Approximately 75% of the 4th Graders in the urbanized area were provided with educational materials relating to pollution prevention and stormwater quality. Distributed more than 40,000 promotional and educational materials, including 4,200 new residential packets with recycling and storm drain information. An update to the 1996 Godbe Survey of residents was done in 2002. The survey found a 3% increase in rockwell awareness and a 4% decrease in residents believing that water in rockwells went to a treatment plant. [12/10/2003]

Distributed more than 10,000 promotional and educational materials, including 1,200 new resident packets with recycling and storm drain information. Installed 4,000 Spanish placards and distributed more than 10,000 bilingual door hangers with "Only Rain Down the Drain" message. Attended numerous festivals and made presentations at elementary schools. [3/10/2003]

I.A.2.a.(3). Enhance Key Transportation Corridors

We have 33 NEAT teams doing litter pick up on streets. Of these, seven (7) of these are pay for service agreements. We have completed the Welcome Sign landscaping at Sisk and Briggsmore and the 19th and H Street Fountain project. We are implementing the 20/20 Vision Plan to improve/install landscape on 20 high-visibility sites throughout Modesto. [12/10/2003]

12/9/2003

A beautification master plan is targeted for completion in the next two years for the SR 99 corridor from the Merced River to the Stanislaus River. Three wall planting projects have been completed in partnership with CalTrans, the Workforce Investment Board, and the City. A \$1.3 million TEA grant was approved for the Briggsmore interchange and other TEA grants are in the pipeline for future year consideration. Shrub and vine plantings have been completed along Briggsmore between Claus and Oakdale. The City is also partnering with Scenic America for the SR 99 Corridor and has implemented an Adopt-A-Right of Way program. [3/10/2003]

I.C.1.a.(5). NPDES Requirements

Staff has submitted the Stormwater Management Plan to the Regional Water Quality Control Board. The plan outlines specifics for meeting the NPDES Permit requirements. Staff is waiting for comments back. Staff is continuing efforts to coordinate permit required activities with other City Departments and divisions.

7/9/2002

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
II.D.1.	Expand Co-Compost Program	This project is complete. All biosolids are used in the compost product.	12/31/2001
VIII.B.1.c.	Develop California Conservation Corps Branch	Due to budget constraints, the California Conservation Corps crews were not not funded in the FY 2002-2003 operating budget.	7/2/2002

I.C.1.b.(1).	Stormwater Quality Ordinances	This project is complete. City Council action in April 2001, amended Chapter 10, Title 5 of the MMC dealing with stormwater management and discharge controls and adopted by resolution, a Guidance Manual for New Development Stormwater Quality Control Measures. These ordinance changes became effective May 30, 2001.	12/31/2001
I.A.2.a.(12).	Community Beautification and Adopt-A-Roundabout	The City continues to partner with neighborhood and community groups to fund beautification projects. In February 2003, Council adopted a program similar to the Caltrans Adopt-A-Highway model. Here , Neighborhood Environmental Action Teams partner with the City to adopt parks, planters, trails and rights-of-ways.	3/10/2003

Status

D - Delayed

Action Numb	Action Item	Project Status	Update Date
I.A.1.a.(3).	Convert to Preventive Maintenance Strategy	Due to budgetary constraints, street maintenance funding decreased in 02-03 from \$10.1 million to \$7.3 million. This is short of the \$13 million needed to accomplish required maintenance on the City's roads. The current backlog of street maintenance is estimated at \$70 million. Pending state budget cuts will further detract from our ability to accomplish this Strategic Plan Action item.	3/11/2003

Status

E - Eliminated

Action Numb	Action Item	Project Status	Update Date
III.A.1.h.	Alternative Transportation Funding Options		3/25/2002

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
V.A.5.b.	Heritage Tree Ordinance	The draft ordinance has been reviewed by the community. The latest draft is presently under review in the Attorney's Office.	3/11/2003

I.A.2.a.(4).	Upgrade Streetscapes (curbs, gutters, sidewalks, trees)	This project is being reassigned to the Engineering and Transportation Department.	12/31/2001
I.A.2.a.(13).	Garbage Receptacles in Public Areas	The Downtown Improvement District replaced several garbage receptacles in the downtown area to match those around the TSP Complex. Installation of additional cans at bus stops is in progress. The Anti-Litter Committee may make some additional suggestions on this matter.	3/11/2003
IX.B.1.	Improve Appearance of Downtown Core	Refer to Community and Economic Development Department.	12/31/2001

Status

O - Ongoing

Action Numb	Action Item	Project Status	Update Date
I.A.2.a.(6).	Form Public/Private Beautification Partnerships	The Greater Modesto Tree Foundation has been formed and is working on city-related projects such as the Trees for Tots. The City Council allotted \$50,000 in support of partnership opportunities. The City partnered with Universal Charter School and the Hispanic Youth Leadership Council in a restoration program to plant native oaks in Tuolumne River Regional Park (TRRP). The City also joined with Friends of the Tuolumne to develop a native grasses restoration program for TRRP. The Third Annual Trees for Tots program involved several hundred citizens who planted oak trees in Dry Creek Regional Park. In addition, the City has partnered with the Eagle Scouts and other groups on beautification projects.	3/10/2003
I.B.1.c.(1).	Fully Fund Deferred Maintenance	Ten year proformas for water and sewer projects increased levels of deferred maintenance activities. A hydraulic analysis is underway for the water system to identify any major weaknesses in the system. A storm drain master plan is also being conducted to identify overall needs within this system. Any increases in deferred maintenance efforts for the water, sewer, or storm systems will require additional rate increases beyond what is projected in the proformas.	3/10/2003

IX.B.3.	Expand and Enhance Downtown Beautification Program	The Modesto Garden Club, DID, and the City continue to partner on plantings in the downtown. More than 175 hanging baskets are now in place along with 400 concrete pots for flower planting. Ground covers for trees wells are being tested.	3/10/2003
C.I.C.4.	Partner with Color Modesto	Partnered with Anti-Litter Stering Committee to address litter and blight on City right-of-ways. Litter pick up events held in April and November resulted in more than 1,000 participants and 15,000 pounds of litter removed.	3/10/2003

Lead Department OTH

Status I - In Progress

Action Numb	Action Item	Project Status	Update Date
H.V.A.15.	Youth Literacy & Education	No Report	

Lead Department PD

Status A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
H.V.A.1.	Gang Unit	During 2003, the Gang Unit has made over thirty presentations to schools - students and faculties, the NAACP, the Modesto Teachers' Association, and businesses. Additional, the Unit has been extremely proactive in cooperation with the Tactical Patrol Unit and SWAT in working on known gang hotspots. The Units have cleared two homicide investigations, lowered the overall call load for gang disturbances and activities. The Unit also joined in a partnership with Stan.Co. Probation concentrating on a Violent Juvenile Offender Program.	5/1/2002

H.II.D.1.a.	CPTED Crime, Health & Safety Prevention Principles	Training for all City departments in the CPTED principles completed. Crime Prevention assigned to the Area Offices will work in collaboration with other City departments to incorporate CPTED concepts. Part of ongoing projects	12/8/2003
H.II.A.2.f.	Chief's Advisory Council	Up and running with monthly meetings.	12/11/2003
H.II.A.2.h.	National Night Out.	The National Night Out Committee functions almost year-round. It obtained a National First Place for Modesto's 2002 National Night Out. Results for National Night Out 2003 competition are expected to be excellent. The Committee is planning to compete well again in its 2004 National Night Out.	12/8/2003
H.I.A.6.	Build Relationships	The Department has membership on the Hispanic Leadership Council, partnerships with HLC and NAACP, interaction with the Latino Round Table, GI Forum and the various citizen academies such as Vietnamese Laotian.  The eleventh Spanish Speaking Citizens' Academy was completed and a Russian Citizens' Academy is in progress.	12/12/2003

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
H.II.K.1.f.	Workload Analysis	3/27/02 - The Workload Analysis has been completed. The Police Support Services Supervisor who conducted the analysis reviewed several clerical positions within the department but outside the Records Unit. She confirmed that the workloads of the clerks were appropriate and concluded that any duplication in effort prior to the HTE RMS implementation has been eliminated. The final report detailing each position assessed will be completed the first of April.	3/27/2002

H.II.A.2.g.	Street Closure	12/14/01 Project was completed July 10, 2001	12/14/2001
		This has been an on-going project since January 2001. The final proposal went to the Public Safety Committee on April 16. It was presented to and approved by City Council on July 10. This revised street closure policy reduces the fees to \$12.50 from \$20.00. The Policy calls for "no charge" for eight city and state approved holidays.	
H.II.A.1.i.	Existing Neighborhoods	1-11-02 This was a combined project for all Area Commands. Crime Prevention Officers and Area Command Staff worked on this project last year and finalized their area maps after the city wide Neighborhood Watch Barbecue which was held at Graceada Park on July 11th.	
H.II.I.1.b.	Neighborhood Linkages	This is redundant of prior projects (H.II.F.1.d/PR&N; H.II.F.1.b and PD Citizens Academy Mark as completed in PD area.	2/4/2003
H.V.A.4.	Campus Police Officers	1/8/02 The role of our School Police Officers (SPOs) is threefold. They're law enforcement officers, counselors and trainers within a single school. The SPOs work at the five Modesto High Schools, Elliott Alternative Education Center, P.A.C.E., (Petersen Alternative Center for Education) and the four Modesto City Junior High Schools. The SPOs are considered a part of the staff at each school. As such, their roles include being a mentor, a teacher, a role model as well the various duties of law enforcement. This highly effective unit continues to provide a valuable service to our schools.	1/8/2002
C.I.B.9.	"Graffiti" Event	Working with Chamber supported June Graffiti month with many events related to graffiti theme including Kiwanis Classic Car Parade. Events will be on-going for safe family oriented events related to the graffiti theme.	6/10/2002
C.I.B.8.	Not in Our Town	The event has been successfully held for the last three years and is continuing in the future with community involvement	2/4/2003

H.III.A.1.	Adopt Response Standards	Completed as an adopted performance measure.	2/4/2003
H.I.A.1.	Arson Task Force	Sharing facilities at 3705 Oakdale Road is working well. One Modesto Police Detective is working with the Arson Task Force. We will continue to monitor this assignment's effectiveness.	12/12/2003
C.III.B.1.	Spanish Citizen's Academy	3/26/02 Two citizen's academies are currently running; Spanish and Cambodian (Khmer). Spanish academy has enrollment of 30 participants, Cambodian academy has 18 participants.	3/26/2002

Status

E - Eliminated

Action Numb	Action Item	Project Status	Update Date
H.III.A.3.	Record Management System	Redundant with IV.F.4 DELETE	2/4/2003

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
IV.F.3.	Upgrade Police/Fire Radio System to 800 mhz	Project estimated at \$8,408,000. Seeking Federal Funds and Homeland Security grants, not yet announced by the Federal government	2/4/2003
H.I.A.5.	Violence Prevention Support Group	Participated in forming a support group for hate crime victims (PFLAG, GSLEN, NAACP). Co-sponsored with NAACP and YCCD "Not in Our Town" anti-hate crime and diversity tolerance marches in October 2002 and will again in 2003. Participated in PFLAG and GSLEN press conferences at the unveiling of anti-hate and tolerance billboards.  The Department has a member on and is active with the Hispanic Leadership Council, the NAACP, the Asian Advisory Board and PFLAG.	12/12/2003
H.I.B.7.	Animal Control	Project will remain with Information Services Lieutenant and Administrative Services Sergeant.	12/8/2003
H.V.A.3.	Lunch-Time Programs	No Report	12/12/2003

H.II.K.1.d.	Target Healthy and Safe Programs	The first targeted area has been identified as the Roselawn Project and is underway with PR&N with Julie Hannon providing the report. Further, a designated steering committee is in the process of formation.	2/4/2003
H.V.A.10.	School Safety	In the early fall, before the start of the traditional school year, Police management staff confers with school administrative staff regarding school safety and particular campus needs.	12/12/2003
H.I.B.6.	Drug Enforcement Efforts	No report. Ongoing.	12/12/2003
H.I.B.13.	Police Training Center	The Joint Powers Agreement that exists among Stanislaus County, the City of Modesto and the Yosemite Community College District is in the process of being dissolved. Asset ownership is currently being resolved. Training is now being accomplished with Stanislaus Sheriff's Office and the Modesto Police Department. Final dissolution is near completion.	12/12/2003
H.II.A.2.j.	Animal Control Laws	No Report	12/8/2003
H.II.A.2.k.	Encourage Employment	The City Council has adopted a new ordinance prohibiting solicitation and thereby enhancing business, in specified areas of the City, which the Police Department is now enforcing. Additionally, the Police Department is now actively involved in restorative policing with the Mental Health Department and the District Attorney to serve the specific needs of the habitually offending nuisance population that has substance abuse and mental health problems. This policing discourages solicitation/panhandling.	12/12/2003

C.III.B.2.	NAACP	Liaison was maintained with the NAACP and the Administration of Modesto City Schools, following reported racially-based threats and potentially related retaliatory violence at the Beyer High School campus. These incidents, occurring in November 2002, appear to be isolated as there has been no reports of ongoing problems.	2/4/2003
IV.F.4.	Police Records Management System	Records Management System installed and live for citations, incidents, warrants, field interviews and evidence. Alternatives to current mobile data computer system were explored, obtained and evaluated proposals from prospective vendors, and received Council approval for implementation with new vendor. Digital Photo Capture and Storage has been implemented with Modesto Police Department connected to Stanislaus County Sheriff's Office. The CAD interface between Records Management System and 911-CAD has been completed. Conversion to Bar Code Capability for property and evidence has been completed. GIS Interface Project continues with the extraction and loading of data.	3/21/2003
H.II.A.1.b.	Neighborhood Watch	Neighborhood Watch Programs continue to expand, with most of the growth occurring in the new Northeast area. Some groups have become inactive so the total number remains at about 700 groups. Research is being done regarding Business Watch Programs. Most other cities' programs are informational and informal. We are looking for a more formal citywide program.	12/8/2003
H.V.A.11.	Family Violence Prevention Program	No Report.	12/12/2003

Status

Action Numb	Action Item	Project Status	Update Date
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H.I.B.5.	StanCAT	Ongoing interaction with the StanCatt Board comprised of the law enforcement executives within the county. Has taken on a very active role in directing this Task Force. Substantial information has been made in reporting, evaluating, and operating at reducing (or targeting) auto theft countywide and especially in Modesto as about one-half of all stolen autos occur within the City of Modesto. This effort will continue.	12/8/2003
H.II.K.1.j.	Business Crime Watch	Nothing to report--just new employee lead	12/12/2003

1/7/02 I was assigned management of the MPD Volunteers In Police Service Program (VIPS) in August of 2001. Some of the things we are doing to improve the program and better reach the community are:

Have expanded from 28 to 33 volunteers since August. Implemented monthly business/training meetings with meeting minutes and agendas prepared for all volunteers.

Created a volunteer roster for better communication and call backs.

Started a quarterly volunteer newsletter

Looking to expand volunteers to all bureaus and divisions of the department.

Identifying training needs.

Increase recruitment efforts to include setting up information tables at public events, shopping centers, etc.

Expanding volunteer assistance in abandoned auto enforcement.

Looking into possible grant funds for volunteer training and equipment.

Scheduling future field trips for volunteer training (February 2002 seminar).

Elected volunteer coordinators for area offices.

Assigned one volunteer as the lead volunteer coordinator to help manage the program.

9/5/01 Existing Neighborhoods will be scheduling meetings with Area Command Crime Prevention Officers to solicit community input in defining their communities. This can be done in conjunction with Neighborhood Watch meetings.

H.II.K.1.e.	Crime Analysis	Crime Analysis performed specific data collection and analysis for the performance measures tied to the Strategic Plan. This analysis included work on response times, crime types, and Modesto crime rates vs state crime rates, juvenile crime rates, and gang-related crime. This data was reflected in Excel spreadsheets and graphs.	2/4/2003
H.V.A.9.	Youth Crime Prevention Programs	The Modesto Police Department hosts a number of different programs aimed at crime prevention/awareness for our community youth. Among them are Diversion, WAKE-UP, PAL football, basketball, baseball, and soccer, and the Westview Gardens tutoring center. A new COPS in Schools Grant from the federal government has allowed the Department to provide School Police Officers at Garrison Elementary, Marshall Elementary and Mark Twain Junior High Schools.	12/12/2003
H.II.G.1.b.	Target Areas	Traffic calming efforts customarily involve environmental design features and techniques which calm and slow traffic. The Traffic Unit Officers regularly identify and recommend, through chain of command, areas suitable for traffic calming. In addition, Traffic Officers invite members of Engineering and Transportation to selected collision scenes to allow them the opportunity to cross-train. Targeting areas for traffic calming is an ongoing effort.	12/8/2003
H.II.F.1.b.	Area Command Offices / Community Centers Relations	The Area Offices are under the direction of Lieutenants Bill Lyons and Joel Broumas. The offices provide the community information on crime prevention, telephonic reports may be made through the offices, and Area Office personnel continue to meet with community groups/Neighborhood Watch Groups regarding issues in different areas of town. Area Offices are used for community meetings such as Skate Park Advisory Board, Neighborhood Watch, National Night Out, etc.	12/8/2003

H.II.G.1.d. Targeted Traffic Enforcement

The California Office of Traffic Safety granted the City of Modesto \$34,469 to participate in a statewide intensive two-week seat belt compliance enforcement project. A pre-enforcement survey conducted by traffic officers showed a seat belt use compliance rate of 88 percent in the City. The goal of the grant was to raise compliance rate, statewide, to 94 percent. The post-enforcement survey, conducted following the two-week enforcement program, showed a seat belt use compliance rate of 98 percent in the City. One strategy used during the grant project was locating officers in highly visible locations to encourage motorist compliance. Saturation enforcement was also used in selected areas of the City. During the two week grant traffic officers issued approximately 2,000 seat belt citations.

12/11/2003

Each month, a targeted enforcement calendar is created and issued to traffic officers. Listed on each day of the calendar are high collision streets and intersections. The officers prioritize and work the targeted areas each day prior to their routine selective enforcement efforts. Targeted enforcement is an ongoing effort.

H.I.A.2. Crime Free Multi-Housing

There are 39 fully certified apartment communities and one condominium community participating in the program which represents 4,788 living units. The program is being expanded to include smaller rental communities (10 units or less). The area Crime Prevention Officers have received in-house training. They started inspections in October 2003. HUD has expressed interest. Their properties will start the inspection process during the year.

12/8/2003

Seven properties that were with the program for more than one year had a dramatic overall decrease of 32% in calls for service. On 2/4/03, the City Council approved funding for the continuation of the program through 2005. The Crime Free Multi-Housing Program will focus on duplexes and triplexes.

Status

P - Pending

Action Numb	Action Item	Project Status	Update Date
H.II.A.2.i.	Block Party	This item should be moved to Police Department in conjunction with National Night Out.	3/1/2002

Lead Department PER

Status

A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
VIII.B.1.b.	Participate in Apprentice and Intern Programs	<p>The goal of City Internships is to create and stimulate career interest in Public Service and to market the City of Modesto as a viable option for employment. There are currently 14 student interns working for the City of Modesto. 2 in the City Manager's Office, 6 in Engineering &amp; Transportation, 1 in Operations and Maintenance, 3 in Parks, Recreation and Neighborhood, and 2 in Information and Technology. The City recruits interns from local high schools, colleges and Cal-Work type partnerships. By July 2002, the City will hire on an additional 5 interns for special summer work programs.</p> <p>During the fourth quarter of this fiscal year, the City marketed its internship program by attending the Cinco De Mayo celebration, sponsored by the Hispanic Chamber of Commerce &amp; Cal State Stanislaus, Meet the Firms Night, Two Job Fairs at Modesto Junior College, one Job fair at the Center Plaza and one High School Career Fair. Additionally, several flyers were distributed and posted at specific departments within the High school and College institutions.</p>	7/16/2002
VIII.B.1.g	Tuition Assistance	Plans are being made for a summer workshop to be open to all employees for further explanation of our tuition assistance program.	3/10/2003

S.A.1.a.(1)	Critical Knowledge, Skills and Abilities	12/14/01 - The Personnel Department continues to update job description and has taken 10 job specs to council for revision this calendar year (03). An additional seven new job classifications have been established during the same period.	2/15/2004
S.A.4.a.(1).	Problem Solving Committee	MCEA Problem Solving Committee is very active and continues to meet every 4-6 weeks.	3/1/2002
H.I.B.14.	Annual Safety Faire	Participated in Annual Safety and Wellness Faire at Modesto Centre Plaza on May 21-23.	7/16/2002
S.A.2.c.(2).	Participate in Community Activities	12/17/01 - In November, Jason Mauga had a speaking engagement at CSUS Turlock to discuss employment opportunities in conjunction with available City internships, serving as a panel member for the discussion alongside other business entities within the community.	12/17/2001
S.A.4.a.(3).	Mid-contract Interest-Based Resolution	MCEA Problem-Solving Committee is very active and continues to meet every 4-6 weeks.	7/22/2002
S.A.3.a.(5).	Tuition Assistance and Training Allowance Programs	Plans are being made for a summer workshop to be open to all employees for further explanation of our tuition assistance program. Has been achieved and will continue to be an ongoing goal for the program. Goal has been met and exceeded.	2/15/2004
S.A.3.a.(4).	Employee Recognition and Suggestion Programs	Systems changes are being made to allow for on-line nomination of recognition candidates and on-line submittal of Bright Ideas. Has been achieved and will continue to be an ongoing goal for the program. Goal has been met	12/31/2003
S.A.3.a.(1).	Promote Supervisory and Customer Service Academies	The Training Division continues to plan and deliver both on-site and off-site coursework on a variety of topics. Legal Training Consortium classes have been held twice during the first half of the Fiscal Year. Additional in-house and outside courses will be held during the second half of Fiscal Year 04. Supervisory and Customer Service Academies beginning 04.	2/15/2004

S.A.2.b.(1). Promote Fairness and Provide for Equal Opportunity 12/14/01 - City's Policy Against Harassment complete; 12/14/2001 sent to all employees on 11/20/01.

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
S.A.4.a.(2).	Interest Based Grievance Process	12/14/01 - Completed	12/14/2001

Status

D - Delayed

Action Numb	Action Item	Project Status	Update Date
VII.D.4.	Annual Actuarial Audits	Annual actuarial audit not done this year; will have one next fiscal year.	3/1/2002
VIII.B.1.d.	Conduct Educational Programs on Workforce Diversity	RFPs for conducting training outlined in the Strategic Plan are still under consideration. The goal is to have training begin as of 1/2002.	12/31/2001

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
S.A.2.a.(1).	Training for City Employees	12/14/01 - The contract is in process, going to City Attorney for review. Harassment training should begin in Jan 02.	12/14/2001
S.A.4.b.(1).	Labor-Management Committee	No Report	
VIII.B.1.f.	Offer Variety of Work Schedules/Arrangements	Have negotiated work schedules for 4/11 and modified 4/10 for a number of job classifications in the Police Dept. including sworn officers and CSOs. Continue to provide 9/80 schedules and 4/10 schedules for other miscellaneous employees, particularly in the O&M Dept., the E&T Dept., and the Fire Dept.  Negotiations with MCEA for a possible 12/80 shift for employees at the WWTP facilities set for January 2002.	3/1/2002
I.A.2.a.(11).	Streetscape Inspection Program	No Report	

Status

0 - Ongoing

Action Numb	Action Item	Project Status	Update Date
S.A.1.a.(5).	Enhance the City's Website	Met with outside contractor to review job specifications. Supplemental questionnaires that accompany specific recruitments are now available to applicants on-line. By partnering with the IT Department, the interactive job application will be going online in January 2004	12/15/2003
S.A.3.a.(2).	Develop Managers	The Training Division has previewed a trainer for presentation skills coursework and plans to hire him. Several companies offer project management training and an RFP is being developed.	6/21/2002
S.A.1.a.(3).	Develop Strategic Partnerships within the City	12/14/01 - No new activity to report.	12/14/2001
S.A.3.a.(3).	Annual Management Forum	The Annual Management Forum has been delayed until January and content will be directed by the City Manager's Office.	6/21/2002
VIII.B.1.a.	Support & Participate in Job Fairs	7/12/02 - Participated in 11 job fairs to date.	7/12/2002
S.A.2.c.(1).	Promote Equality, Diversity and Access	12/17/01 - Participated in Nation's League of Cities Race Equality Day, September 2001, by declaring the day through City Council Proclamation. Assisted two organizations (Latinas Mujeres and Hmong Alliance) with their community efforts to bridge diversity issues in October and November 2001. Met with the "Joint Committee in Preparing California for the 21st Century," sponsored by Senator John Vasconcellos and Assemblywoman Sarah Reyes, engaging in diversity dialogue to bring about issues relevant to the City of Modesto regarding disability access and diversity in employment and venture capital.	12/17/2001
S.A.1.a.(4).	Results-Driven Approaches to Hiring	It is standard practice for the Personnel Analysts to partner with various departmental liaisons in the planning and execution of recruitment and testing activities	12/15/2004

S.A.1.a.(2). Marketing Approach for Recruitment

The Personnel Department has partnered with both the Engineering and Transportation Department and with the Police Department to target specific outreach recruiting efforts.

2/15/2004

Lead Department PR&N

Status

A - Complete - Ongoing

Action Numb	Action Item	Project Status	Update Date
H.II.A.1.j.	Link Service Delivery to Neighborhoods	Staff provided a workshop for neighborhood groups on the process to form a non profit organization.	2/20/2003
H.II.A.2.a.	Citizen's Advisory Groups	The department provides full staff support to the Culture Commission, Landmark Preservation Commission, Golf Courses Committee, Tuolumne River Regional Park Citizens Advisory Committee, Tuolumne River Regional Park Commission, Community Qualities Forum, Convention and Visitors Bureau Board, Citizens Housing and Community Development Committee, Housing Rehabilitation Loan Committee and the Youth Commission.	2/20/2003
H.II.A.2.b.	Park/Recreation Facility Design	Each project presented for development goes through a public comment and review period, facilitated by community meetings, council committee and council meetings. Park Partners also facilitates this activity.	12/2/2003
H.II.A.2.c.	Build Relationships with and Increase Services	Neighborhood interns are continuing with outreach to the neighborhoods in order to improve services. Staff actively participates in the Housing and Support Services Collaborative.	12/2/2003
H.II.A.1.f.	Neighborhood Connections	Grants for neighborhood improvements were issued to Orville Wright Little League to renovate their baseball diamond at Orville Wright school, to Habitat for Humanity for projects in the Airport Neighborhood, and to the Volunteer Center for a project at the Redwood Family Center.	12/3/2003

H.I.B.12.	United Way Impact Councils	Staff actively participates on all United Way Impact Councils that have relevance to the department's mission.	2/20/2003
H.I.B.11.	Formal Co-Sponsorship of Recreation Programs	Staff is working with contractors to develop a marketing video showcasing the department and its activities and the opportunities for co-sponsorships and donations and to develop an Asset Inventory and Valuation Audit, in order to be better placed to seek endowments, donations and other forms of funding.	12/2/2003
H.II.A.2.d.	Quarterly Meetings	Staff worked in all neighborhoods to form the CDBG Annual Action Plan.	12/2/2003
C.V.A.8.	John Thurman Field	Concert power was installed at JTF to meet the power requirements of large outdoor shows and special events. The back stop netting also went through a retrofit that allows it to be lowered to give everyone clear views of concert stages. With the added seating capacity and power, John Thurman Field hosted some major events, including the 9-11 Memorial with Oliver North as guest speaker, an expanded Octoberfest with rock group America, and a sold-out comedy show featuring George Lopez.	12/2/2003
H.II.A.1.k.	Existing Neighborhoods.	Newsletters continue to be posted on the City's web page.	7/19/2002
H.V.A.7.	Character Education Program	This action is complete.	12/2/2003
I.A.2.a.(10).	Preserve Park Infrastructure	Beyer Park and Graceada Park picnic shade structures are completed. The pool will be upgraded at Davis High School, and the Maddux Youth Center Improvements have been accepted by the council - Construction documents to follow.	12/2/2003

H.V.B.1.	Youth in Government Day	The County participated in the job shadowing portion of this event. Four additional schools were invited to participate in the all day program. The commission was able to negotiate a favorable price for the luncheon portion of the day, which meant that the commissioners and advisory board members had time to participate in the job shadowing. It has also allowed an increase in participants from 200 to 300.	6/4/2003
H.V.A.20.	Youth Activities	The Youth Commissioners hosted a very successful Youth-in-Government Day. Three local youth were recognized through the Honoring Outstanding Youth program. Movies in the Park will take place during the summer months. and MoBand Café will be held during the MoBand concerts. The Commission will continue to play an active role in the implementation of all activities they represent.	6/4/2003
H.V.A.19.	Place for Teens to Gather	Moband is currently in place, staff and Youth Commission presented summer teen movie nights. Youth Commission will continue to consider a coffee house, Y-Fest and other evening opportunities such as dances and teen nights throughout the community.	12/2/2003
H.V.A.18.	Bring Students from Different High Schools Together	Moband is currently in place, staff and Youth Commission have sponsored teen movie nights.	12/2/2003
H.V.A.16.	MoBand Café	The commissioners and staff are working with the Police Department to offer the MoBand Café until 10:00 p.m. every week during the MoBand season. The Parks, Recreation and Neighborhoods Department has budgeted funds to have a variety of activities available for all six weeks of the concert series. Staff and the commissioners are currently working with other agencies in an effort to provide education and information to teens on issues that relate to their age groups.	6/4/2003
H.II.B.1.e.	Promote Housing Successes	Staff is currently workin on a pre-development loan for multi-family housing in Village One.	2/20/2003

III.B.5.b.	Improve Inter-departmental Coordination for Non-motor	A Transportation Action Committee (TAC) has been formed. A Non-Motorized Transportation Plan update is being developed.	12/2/2003
H.V.A.2.	After School Programs	The City partnership with the grant received by the Modesto City School District at four school sites was completed. Preparations to begin in the fall are now being arranged. The City was a partner in a grant received by the Modesto City School District for \$370,000 annually for three years. Funding will serve 280 kids daily at 4 school sites.	7/19/2002
H.II.A.1.c.	Community Wide Festivals/Events	Staff worked with the Downtown Improvement District and the State Theatre to plan and coordinate Rock'n Rods, a new community festival, which was held in June, with plans to be an annual event. It included a display of classic vehicles lined up along J Street. The event also featured two different entertainment stages, one at each end of the event area, strolling entertainment, beer gardens, and a children's activity area. A salsa Festival with Comedian George Lopez was coordinated with the Modesto A's. It was quite successful and will be brought back next year. The Oktoberfest this year took on a new twist. The festival featured a prominent concert band - America. The event was attended by about 4,000 people.	12/1/2003
H.II.A.2.e.	Organized Neighborhood Groups	Mini-grants were awarded to Habitat for Humanity and the Volunteer Center of the United Way.	6/4/2003
C.V.A.5.	Scholarships and Co-sponsorships	Staff continues to work with co-sponsored groups to ensure that local youth have safe and rewarding sports experiences. The County was unable to continue its contribution for youth residing outside Modesto's City Limits.	12/2/2003
H.IV.A.3.	Mental Health/Substance Abuse	The Fifth Street Project is operational.	7/19/2002

H.IV.A.2.	Health Services Partnerships	The Senior Citizens Organization is partnering with the Stanislaus County Health Department that provides a Registered Nurse to do health exams twice weekly. The Health Department conducted two flu shot clinics with 550 seniors receiving shots.	2/10/2003
H.II.F.1.d.	Community-Oriented Governance	Community Oriented Governance is incorporated into all of the department's programs, activities and services.	2/20/2003
H.II.E.1.c.	Dual Use	Coffee-Claratina Park will be completed in Spring 2004. This has a dual use basin/park element - the first of it's kind in recent development.	12/2/2003
H.II.C.1.b.	Down Payment Assistance Program	Presentations were made. Additional amendments were added to the program guidelines.	2/20/2003
H.II.C.1.a.	First Time Homebuyers	Staff is still providing down-payment assistance to qualifying families.	2/20/2003
H.II.B.2.c.	Crime Free Multi-Housing Addenda	This requirement has been placed on all applicable HOME funded loans.	12/31/2001
H.II.B.2.a.	Private Investment	City council approved two new projects on April 9, 2002: 3333 Carver Road, and Miller Pointe.	7/19/2002
C.V.A.13.	Work with Youth Commission	The Youth Commission has decided to offer a Teen Movie night during the summer. The dates for these events are late July and August. The Youth Commission has voted on which movies they would like shown during these nights. The sub-committee is currently discussing what types of activities would complement each movie and their themes.	12/2/2003
C.II.A.2.	State Theatre	Staff continues working with the State Theater on event issues including front of house and production.	12/1/2003
C.I.A.4.	Tuolumne River Regional Park Master Plan	Staff has continued to visit Sacramento and the local legislature to secure funding. Grant applications are out for future phases of the Gateway Parcel.	12/2/2003
C.I.C.5.	Neighborhood Cleanup in the Yosemite/Airport District	This event is now city-wide. It still occurs twice per year and is very successful. Staff is also looking into amending the Municipal Code for litter control.	12/2/2003

C.III.A.1.	Cultural Festivals	The department provided support to Cinco de Mayo celebration, the Fourth of July Parade, picnic and fireworks, the International Festival, and the Hmong New Year.	12/3/2003
C.II.D.2.	Poetry Writing Contest and Poetry Reading	The 2004 Poetry Contest applications are available.	12/2/2003
C.I.A.8.	King Kennedy Center	Recreation & Neighborhoods staff is working to secure private funds for the continued operation of the PARTY MOBILE at school and neighborhood sites.	12/2/2003
C.II.D.1.	Culture Commission	Funding recommendations were presented to City Council.	7/19/2002
C.II.C.2	Performing and Visual Arts	Applications for funding for the 2004-05 fiscal year will be released in January 2004.	12/2/2003
C.II.C.1.	Visual, Literary and Performing Arts Courses.	The Child Services organization offered 36 specialty classes that were visual, literary or performing arts. The organization continues to recruit instructors for specialty classes in the arts. Art classes co-sponsored by the Central California Art League have also been added.	12/2/2003
C.I.A.10.	Mancini Bowl	Staff continues to book many reservations of the Bowl. Increasing use is difficult, since many potential renters want amplified music. Staff looked into improving the lighting and found the cost to be prohibitive.	7/19/2002
C.II.B.1.	Art in Public Places	The Public Arts Committee continues to meet on a monthly basis. They have developed a set of guidelines for public art and have created goals.	2/20/2003
C.I.A.2.	Tenth Street Place Plaza	Staff secured a sponsor and organized a Brown Bag Lunch Concert Series in the spring 2003. Staff plans to hold this event annually and is planning the next concert series for the fall of 2004. Staff booked a total of 65 events that were held in Tenth Street Plaza, with 3 scheduled for December.	12/1/2003

C.I.B.2.	Celebration of Lights	Staff was successful in recruiting a large number of city employees as volunteers to work the day of the parade. It was the largest number of staff participation to date. The 2003 Celebration of Lights was successful, attracting large crowds to downtown Modesto to watch the parade and tree lighting. Parade Grand Marshal, Grace Lieberman, led the parade with the theme of "Toys in Dreamland". Festivities at the tree lighting included holiday music and a visit from Santa.	12/1/2003
C.I.A.6.	McHenry Museum and Mansion	The auditorium at the Museum is being improved to encourage additional use.	12/2/2003
C.II.A.1.	MoBand	The 84th year of the Mo Band concerts was a big success. A new filming platform at the rear of the bowl was in place and allowed filming without obstructing the views of concert-goers. The Parks, Recreation and Neighborhoods, Operations and Maintenance and Police Departments provided a variety of services weekly to ensure the success of the concerts.	12/2/2003
C.I.B.3.	Fourth of July Parade	Staff met and discussed the 2004 Fourth of July parade. City staff from both the Recreation Services and Cultural and Enterprise Services Divisions will work with the Modesto Jaycees in coordination of the parade. The City Council has approved funding in the amount of \$10,000 annually.	12/2/2003
C.I.B.4.	Modesto Relays	The 2003 Modesto Relays was a success. Staff will be working with Save Mart Cares for the 2004 Modesto Relays.	12/1/2003
C.I.B.5.	Juneteenth Event	Juneteenth was held on June 19-21, 2003, with 1,500 to 2,000 attendees. Staff will plan next year's event in early 2004.	12/2/2003
C.I.B.7.	Martin Luther King, Jr.	A successful Martin Luther King, Jr. event was held on January 17, 2003. The City co-sponsored Mae Jemison's presentation. Staff is planning to co-sponsor Cornel West's presentation in January 2004.	12/2/2003

XI.B.3.	Look for Open Space Expansion Opportunities	Property along Scenic Drive at the foot of Coffee Road was acquired. The Mensinger Trail and the second phase of the Hetch-Hetchy trail were dedicated. The Redevelopment Agency is looking at property in the Hetch-Hetchy planning area and a park site in the Fairway neighborhood/	2/10/2003
C.I.C.1.	Park Partners Program	The park partners program will be used in the near future for Sharp, Mark Twain and John Muir parks for playground equipment upgrades and new installations. The Dog Park will use the park partners process, but will not use any Park Partners funds.	6/4/2003
H.V.A.13.	Involve Youth in Strategic Plan Implementation	Annually staff works with the Youth Commission and other youth that have shown an interest in youth issues to discuss what are some ways to better implement the strategic plan items that concern youth. During the month of August or early September, staff met with the commissioners to go over the relevant actions of the Plan in an effort to direct attention in these firections, thus creating goals for the Youth Commission.	2/10/2003
C.I.C.3.1	Neighborhood Volunteers	Staff has hired a coordinator and the program is underway toward full implementation. Target neighborhoods include E. Morris& Kimble, Kansas, Rosemore, and the Airport area. Staff is still in the process of training, with plans to be fully operational by February 2004.	12/2/2003
H.V.D.1.	Foster Interaction	MoBand is currently fulfilling this action item. Also up coming teen movie nights and movie in the park are also in the work's.	6/4/2003
C.II.A.4.	X-Fest	Xfest 2003 was a truly outstanding event. Several changes were implemented to make it even better. The most critical was the site location being moved two blocks to the south and new entry locations were established. The 2004 Xfest has already been approved by the City Council.	12/1/2003
C.III.B.4.	Multicultural Diversity	The "Day of Empowerment" was held in September 2003. Multi-cultural training also took place.	2/20/2003

C.I.A.1.	Centre Plaza and Tenth Street Place Plaza	The Centre Plaza Five-Year Plan is being used as a guideline to create new business and maintain optimal service levels for regular users.	12/2/2003
C.IV.B.1.	Landmark Preservation Sites	A property on W. Morris was designated as a Modesto Landmark Preservation Site.	12/2/2003
C.IV.A.5.	First Sundays Educational Program	First Sundays will begin in February and will run through June.	12/2/2003
C.IV.A.3.	Special Events	Special events are enumerated weekly in the City Council's FYI.	12/2/2003
C.IV.A.1.	McHenry Mansion and Museum	A number of exhibits were held at the McHenry Museum:	6/4/2003
C.III.C.1.	Sister Cities	Delegations visited France (for a potential sister county agreement) and Aguascalientes Mexico.	6/4/2003
C.III.B.3.	Rights of Passage Programs	Staff recruited 20 to 30 young men and ensued between February to April 2002. Ten people completed the project.	7/19/2002
H.I.B.8.	Public Service Grants	The RFP cycle for 2003-2004 CDBG grants with non-profits opened on February 5, 2003 and closed on February 28, 2003. Staff conducted two technical workshops in conjunction with these grant opportunities.	6/4/2003
H.V.D.4.	Programs for After School	Staff received a grant and has used matching funds to offer more After School Learning programs at the elementary levels.	7/19/2002
H.I.A.4.	Opportunities for Collaboration	Staff collaborates on many of the department's programs and activities.	2/20/2003
I.C.1.c.(2).	Beautify Existing Single-Use Stormwater Basins	Dual Use Policy is now in place. The Grecian basin is starting to go into review as that area is completing it's development.	12/2/2003
H.V.C.3.	Skating Park	Staff is currently looking at alternatives for the operation of the skate park.	12/2/2003

H.I.A.3.	Code Enforcement	An Inter-Departmental team developed a plan to address various code enforcement issues. Code Enforcement staff is participating in the Roselawn Weed and Seed Program.	12/2/2003
C.III.A.2.	Picnics in the Park	Events were held June through August, 2003. Plans are to hold this event in 2004.	12/2/2003

Status

C - Complete

Action Numb	Action Item	Project Status	Update Date
H.V.A.5.	Youth Master Plan	This item was not implemented. Funds were used for after school programming in low-income schools.	12/2/2003
VI.A.6.	Complete Tuolumne River Regional Park Master Plan	This has been completed.	3/1/2002
H.II.D.2.a.	Landscape Review	A project coordinator was selected and hired to manage Landscape Review for the division.	2/10/2003
C.V.A.1.	Regional Sports Facility Study	The Regional Sports Facility Study Final Draft Action Plan Report was presented to the Modesto City Council, the Stanislaus County Board of Supervisors and the public at a workshop on March 25, 2002. Ongoing work is proceeding to find funds to develop Sutton and Grogan Community Parks.	7/19/2002
H.II.C.1.c.	Lease-to-Own Program	Presentation of the Lease to Own Program have been made. This program received funds in January 2002. One hundred thirty two families have submitted applications.	2/20/2003
C.V.A.11.	First Tee	This project is completed. The First Tee of Modesto is in the organizing stage. The Advisory Committee has been formulated and had its first meeting on December 2, 2003, Bob Quintella has been appointed to the Executive Board of the Del Rio Foundation to oversee the First Tee of Modesto	12/2/2003

Status

D - Delayed

Action Numb	Action Item	Project Status	Update Date
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H.II.I.1.a. Design Standards This will be covered in the Non-Motorized Transportation Plan. 12/2/2003

Status

E - Eliminated

Action Numb	Action Item	Project Status	Update Date
C.V.A.10.	BMX Activities	This activity has been discontinued.	12/2/2003
C.V.A.3.	Skate Rally	This event has been discontinued.	12/2/2003
C.I.C.2.	Neighbors United Clean-Up Program	This program has been deleted.	12/2/2003

Status

I - In Progress

Action Numb	Action Item	Project Status	Update Date
H.V.C.1.	Cable Access	No action this quarter.	3/1/2002
H.II.B.1.d.	Encourage Construction of Adequate MFR Facilities	No action this quarter.	3/1/2002
III.B.5.c.	Complete Virginia Corridor Master Plan/Specific Plan	The first segment of this corridor will be completed by the 5 Modesto Rotary Clubs in early 2005 - Roseburg to Orangeburg. Staff is seeking funding for future segments.	12/2/2003
C.I.A.11.	Meeting Space for Neighborhood Groups	No action on this item.	3/1/2002
III.B.5.a.	Update Non-motorized Transportation Plan	Project has been assigned to staff. Work will be completed in Spring 2004.	12/2/2003
H.V.B.2.	Youth Mentor Program	No action this quarter.	3/1/2002
C.I.A.3.	Community Centers	Architectural design is in development for the Westside Service Center in Marshall Park as well as Maddux Youth Center, with completed Master Plans for each facility. Additionally, staff is working on preliminary plans to improve the King-Kennedy Center with ADA renovations and also working to expand the KKMC to house the West Modesto King-Kennedy Neighborhood Collaborative.	2/20/2003

C.I.A.7.	Maddux Youth Center	The Master Plan is complete. Staff is ready to proceed with construction documents. Construction is anticipated to begin in 2004.	12/2/2003
C.II.D.3.	Master Plan for Cultural Activities and Historic Buildin	Commissioners have been assigned various sections of the Plan.	12/2/2003
H.V.A.17.	Youth Commission	No action this quarter. Will continue to investigate.	12/3/2003
C.IV.B.3.	Accreditation	The Acquisition Committee continues to sort through the collection.	3/1/2002
C.I.A.9.	McClure Country Place	Improvements continue to enable the rental of the house.	2/20/2003
H.V.D.3.	School Board	Currently the MCS Board has two students representatives who attend Board meetings.	7/19/2002
C.I.B.6.	Overcoming the Odds	Overcoming the Odds youth event was held in May 2003, with 300 to 500 attendees. Staff will plan next year's event in early 2004.	12/2/2003
X.B.1.a.(1).	Research and Analyze Potential Tourist Attractions	No action this quarter.	12/2/2003
C.V.A.9.	Skate Park	Staff is currently looking at alternatives for the operation of the skatepark.	12/3/2003
H.II.C.1.d.	Sweat Equity	Staff is currently working with STANCO and Habitat for Humanity.	3/1/2002
H.II.D.2.c.	Historic Properties	No action this quarter.	3/1/2002
H.II.B.2.b.	Conversion of Market-Rate Housing	Staff has been researching for opportunities to convert more market-rate housing to affordable housing.	7/19/2002
H.II.E.1.a.	Urban Trail System	Future actions are contingent upon the completion of the Modesto Non-Motorized Transportation plan update. Staff proposed to take the plan to MID before it is adopted, tentatively in Spring 2004.	12/2/2003
I.A.2.a.(8).	Develop Neighborhood Beautification Award Program	Staff is looking at other possibilities.	12/2/2003
H.II.F.1.c.	Community Center Opportunity Sites	No action this quarter.	3/1/2002

VIII.B.1.e.	Explore Child Care Programs for Downtown Workers	No action this quarter.	3/1/2002
C.V.A.12.	Expand Golf Appeal	An expanded marketing plan is being written by FM Golf.	12/2/2003
H.II.K.1.h.	Geographically Based Services / Programs / Facilities A	No action this quarter.	3/1/2002
H.II.F.1.a.	West Side Community Service Center	The West Side Community Service Center now called the Neighborhood Center at Marshall Park has a completed Master Plan. Construction documents will be completed soon, with construction estimated to begin in 2004.	12/2/2003
C.IV.A.4.	Photograph Collection	A volunteer is working on the photo collection.	12/2/2003
H.IV.A.6.	Day Center for Homeless	Staff is reviewing an RFP for the implementation of a "Homeless Day Facility".	2/20/2003
H.II.A.1.a.	Area Command	This action will partially occur with the construction of the Neighborhood Center at Marshall Park.	12/2/2003
C.IV.A.2.	McClure Country Place History Farm	No action this quarter	3/1/2002
H.V.A.6.	Recreation on Campus for Kids (ROCKS) Program	School-site lunch programs were held and staff took the PARTY mobile to several school sites.	12/2/2003
C.V.A.7.	Private Enterprise	No action to date.	12/2/2003
C.V.A.4.	Sports Foundation	Discussions are ongoing. However, no definitive plans have been made to date.	12/2/2003
H.V.A.12.	Teens in Crisis	During the Youth Commission meetings, agencies have made themselves available to better educate the Commission on resources in our community for youth in crisis.	2/10/2003
H.V.D.2.	School Inter-Act Clubs	Even though we have not had a formal partnership established, the Youth Commission has done a tremendous job getting students on campus to promote various Youth Commission programs throughout their schools and community.	7/19/2002

H.II.H.1.b. Virginia Corridor Greenway The Master Plan is pending approval by council in January, 2004. 12/2/2003

Status

0 - Ongoing

Action Numb	Action Item	Project Status	Update Date
H.I.B.1.	Collaborate Regionally for Sports	Grogan Park will be the first regional sports complex. It is currently in design of the master plan.	12/2/2003
IX.B.4.	Physically & Visually Link Downtown to TRRP Gateway	EDAW is working with TRRP staff on the Gateway parcel and negotiating with CED staff on the downtown connection.	12/2/2003
C.V.A.2.	Softball Fast Pitch World Series	This tournament occurred, although it was much smaller in size this year, and therefore did not have the financial impact of the tournament several years ago.	2/20/2003
H.II.D.2.d.	Parks & Recreation Facilities	This is accomplished by General Plan Standards. This is ongoing as parkland is procured.	12/2/2003
H.IV.A.4.	Health Clinic in West Modesto	This center is open.	12/2/2003
H.II.E.1.b.	Tuolumne River Regional Park	Staff is working with the Ninth Street Improvement Project to provide access to the park. In addition, the Ninth Street Bridge Replacement is under way and staff is working with Stanislaus foods for a reopening of 10th street.	12/2/2003
I.A.2.a.(7).	Partner with County to Upgrade Streetscapes in County	This project is on-going as new sites are developed.	12/2/2003
H.II.A.1.g.	City Hall at the Mall	City Hall at the Mall began selling BART and ACE passes, and continues to accept utility payments from most local utilities, including telephone and cable.	6/4/2003
XI.B.1.	Increase General Plan Open Space Standard	This action is tied to the development of the General Plan update.	2/10/2003
H.V.A.14.	Youth Groups	The Youth Commission has met every month throughout the school year. They have highlighted some Advisory groups they would like to work with in the future. At this time, the commission is interested in supporting the "Overcoming the Odds" event.	6/4/2003

C.I.A.5. General Plan Park Standards

Several projects from Community and Economic Development have been reviewed. In each project, the General Plan or Specific Plan standards are used as a guide.

12/2/2003

Status

P - Pending

Action Numb	Action Item	Project Status	Update Date
C.II.B.2.	Art in Public Places Ordinance	The Public Art Committee is looking into an ordinance of 2% for public art.	2/20/2003
H.II.H.1.a.	Parks and Open Space Master Plan	The City's revised General Plan will include an updated Parks and Open Space Master Plan.	2/10/2003

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-125**

**A RESOLUTION APPROVING AN AGREEMENT TO TERMINATE THE CRIMINAL JUSTICE TRAINING AGENCY INCLUDING THE “PLAN FOR WINDING UP THE AFFAIRS OF THE CRIMINAL JUSTICE TRAINING AGENCY”; ACCEPTING THE FINANCIAL REVIEW REPORT OF THE STANISLAUS COUNTY AUDITOR/CONTROLLER IN LIEU OF A FORMAL AUDIT; REQUESTING THE AUDITOR/CONTROLLER TO MAKE THE RECOMMENDED CORRECTIONS TO THE JPA BUDGETS AND ACCOUNTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF MODESTO.**

WHEREAS, on or about July 1, 1997, the Yosemite Community College District (“YCCD”), the County of Stanislaus (“County”), and the City of Modesto (“City”) entered into a joint powers agreement establishing the Criminal Justice Training Agency (“JPA”), and

WHEREAS, for the reasons set forth in the staff report (“Report”) to the Modesto City Council dated February 19, 2004, which is attached to this Resolution and incorporated herein by reference, the County, YCCD, and the City now desire to terminate the JPA, and

WHEREAS, City and County staff, including the Auditor/Controller of Stanislaus County performed a financial review (in lieu of an audit) of the expenditures and revenue of the JPA as described in the attached Report, and

WHEREAS, the proposal for winding up of the financial affairs of the JPA as described in the Report is acceptable to the City Council, and

WHEREAS, it is in the best interest of the City to terminate the JPA as recommended in the Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Criminal Justice Training Agency Joint Powers Termination

Agreement including the “**Plan for Winding up the Affairs of the Criminal Justice Training Agency**”, which is attached to this Resolution and incorporated herein by reference, and accepts the financial report of the Stanislaus County Auditor/Controller in lieu of a formal audit and request the Auditor/Controller to make the recommended corrections to the JPA budgets and accounts.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the Criminal Justice Training Agency Joint Powers Termination Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of February, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney



CITY OF MODESTO  
AGENDA REPORT

COUNCIL MEETING:  
February 24, 2004

February 19, 2004

TO: Modesto City Council

FROM: Jack Crist, City Manager

SUBJECT: Termination of the Criminal Justice Training Agency Joint Powers Agreement

Contact: Greg Baird, ([gbaird@modestogov.com](mailto:gbaird@modestogov.com)) 577-5458

**RECOMMENDED COUNCIL ACTION:**

This item is for the Council to approve to finalize the Criminal Justice Training Agency Joint Powers Termination Agreement including the "Plan for winding up the affairs of the Criminal Justice Training Agency." This agenda item also requests Council to accept the Financial Review Report of the County Auditor Controller in lieu of a formal audit and request the County Auditor Controller to make the recommended corrections to the JPA budgets and accounts and give the authority to the City Manager to finalize and sign the agreements that will dissolve the Criminal Justice Training Agency Joint Powers Agreement between the City of Modesto, Stanislaus County and the Yosemite Community College District.

**OVERVIEW**

Pursuant to the Joint Powers Agency (JPA) agreement dated July 1, 1997, the County of Stanislaus (County), City of Modesto (City), and the Yosemite Community College District (College District) agreed to create a JPA for the purpose of providing criminal justice educational programs.

The Agency was administered by a four-member commission that consisted of the Chief Executive Officer of the District; the President of Modesto Junior College, the Chief Executive Officer of the County and the Modesto City Manager.

The College District was authorized to cast two votes with the City and County each having one.

Beginning in January 1998, classes were begun under the JPA and have continued under the agreement until June 30, 2003. While training efforts were successful in that thousands of hours of criminal justice education classroom instruction were provided, the staffing, funding, and approval mechanisms of the agreement weakened the overall model. The parties did not agree

on several issues, but did recognize that a new approach to provide criminal justice training education in this community needed to be pursued. On May 8, 2003, the College District and the County commission members voted in favor of terminating the JPA agreement. The City of Modesto agreed in concept pending legal review and winding up plan negotiations. Upon legal review of the documents minor changes of the termination agreement have been made in the winding up plans.

JPA Commission Members did not take required actions stipulated in the original agreement following the government code.

**The JPA was not reported as a separate public entity.**

**The Commission did not adopt annual budgets.**

**The audits as prescribed in the JPA Agreement were not conducted.**

Staff from the City of Modesto Police Department and Finance Department conducted an analytical review of the County's Ray Simon Training Center accounting records. A year-by-year model of expenditure and revenue data was created.

Interim County Chief Executive Officer, Patricia Hill Thomas, and City of Modesto Manager, Jack Crist, agreed to designate County and City representatives, including the Auditor-Controller to perform an in lieu audit "financial review" of the expenditures and revenue and to identify and resolve outstanding issues relative to completing the financial closeout of the JPA. Through a letter from Patricia Hill Thomas, Interim Chief Executive Officer, the College District was invited to participate in the financial review process, but elected not to do so.

The financial review effort resulted in expenditure adjustments for \$853,285.40 and revenue adjustments in the amount of \$771,011.76. The major adjustments were dealing with fixed assets and purchases. A total cash balance was \$156,644.05.

Some of the expenditure adjustments included County building maintenance overhead on labor limited to 15% and certain County indirect cost allocation charges (CAP) were not allowable JPA expenditures, including Grand Jury Audit, Risk Management, and CEO charges. The County Controller Auditor reviewed Sheriff payroll records to verify JPA only related charges in the area of Salaries and Benefits. City and County negotiations agreed to the Services and Supplies charges. YCCD could have contributed more towards the costs of supplies. MJC did not provide requested information concerning training classes and instructors. The City also allowed the JPA expenditure to pay for a \$23,000 County training center sign. The County used CEO special projects funds to purchase additional classroom space at the Ray Simon Regional Criminal Justice Training Center.

Minutes from the JPA meetings documented an agreement to apply \$64,000 to the County's Debt Service on the training facilities. The County had expected that entrepreneurial efforts related to the training could pay for the debt service, but were not successful due to the strict requirements of the College District.

The City and the County negotiated the interpretation of the JPA agreement and minutes to include paying instructional hours at time and one half during the last two years (MPD \$39,194 and Sheriff \$65,044). Also included in the negotiations was to allow the Modesto Police Department to include a portion of un-reimbursed non-instructional staff time (\$39,194) towards the city's cash or in-kind contribution. The City of Modesto's cash and in-kind contribution of \$125,000 per year was met.

The \$92,644.05 cash remaining was split between the Sheriff's time and one half credit of \$65,044 and instead of dividing the cash balance of \$27,600.05 at an 80/20 split (County/City), the balance was applied to the County's training facility's debt service.

**RECAP**

**Expenditure/Revenue Summary**

Actual Expenditures	(\$2,491,031.30)
Expenditure Adjustment	\$853,285.40
Actual Revenue	<b>\$2,565,401.71</b>
Revenue Adjustment	(\$771,011.76)
<u>Revenue in excess of (Expenditures)</u>	<u>\$156,644.05</u>

JPA Minutes payment of Debt Service	(\$64,000.00)
<u>New Cash Balance</u>	<u>\$92,644.05</u>

JPA Minutes Interpretation and Negotiations	
Credit for Sheriff's non-compensated instructional hrs	<u>(\$65,044.00)</u>

Remaining Cash Balance	
80/20 Split was discussed, both the City and County agreed to apply remaining balance to Debt Service	<u>\$27,600.05</u>
	\$0.00

The property of each party, which was contributed for the training operations, will remain with each party. Items purchased with City and YCCD money and owned by the JPA will be given to the County to use towards future law enforcement training needs. This may include \$20,000 worth of assts including weight equipment. An asset list has not been finalized.

The new model with YCCD/MJC to conduct law enforcement training that began on July 1, 2003 is currently an oral agreement based upon a pending draft contract. YCCD/MJC has paid training instructors and also has promised to pay the costs of the Training Center's current Director, a MPD Lieutenant. As a result of these arrangements, 27 students graduated on February 13 and 34 students will graduate on June 5, 2004.

It is expected that this type of financial review will be applied to other City/County JPAs.

The attachments include the JPA Termination Agreement, JPA Winding Up Plans, the Auditor's Financial Review Report and JPA Financial spreadsheets.

**REASONS FOR RECOMMENDATION:**

The JPA will not be lawfully terminated until all members have mutually and unanimously terminated the Agreement meaning the College District, the County, and the City.

**EXISTING POLICY/RELATIONSHIP TO STRATEGIC PLAN:**

N/A

**POLICY ALTERNATIVES:**

If the JPA is not dissolved then all parties are still subject to the terms of the original JPA agreement.

**FISCAL IMPACTS:**

The Modesto Police Department will not be required to pay \$84,289 based on Sheriff instructional hours only billings. \$125,000 of cash or in-kind services for the Police Department will be available to meet training needs. YCCD has promised to pay all MPD personnel costs incurred beginning on July 1, 2003.

**INTERDEPARTMENTAL COORDINATION:**

Modesto Police Department, City Manager, and Finance.

**PUBLIC PARTICIPATION:**

N/A

**STEPS FOLLOWING APPROVAL:**

The City Manager will finalize and sign the agreements that will dissolve the Criminal Justice Training Agency Joint Powers Agreement between the City of Modesto, Stanislaus County and the Yosemite Community College District.

Prepared by: \_\_\_\_\_  
Greg Baird, Deputy Director of Finance

Prepared by: \_\_\_\_\_  
Lt. Dave Cooperider, Modesto Police Department

Reviewed by: \_\_\_\_\_  
Roy Wasden, Chief of Police

Submitted by: \_\_\_\_\_  
Jack R. Crist, City Manager

### Expenditure Adjustments Summary

Depreciation and amort	\$	(52,241.12)
Govt int	\$	(20.00)
Funds> 13 Bill -Grand Jury Audit	\$	(202.00)
Govt Fund Bill - Risk Management	\$	(15,183.00)
Govt Fund Bill - BM Maint Services	\$	(13,121.07)
Fund A-87 charges - CEO	\$	(26,147.00)
Fund A-87 carry forward CEO	\$	(102,952.00)
Data processing services	\$	(6.65)
Peoplesoft implementation cost	\$	(5,217.00)
DOVE FMS implementation costs	\$	(440.00)
Y2K project	\$	(1,317.00)
<b>Other Charges</b>	<b>\$</b>	<b>(216,846.84)</b>
Equipment	\$	(232,710.68)
Police equipment	\$	(403,727.88)
<b>Fixed Assets</b>	<b>\$</b>	<b>(636,438.56)</b>

AGREEMENT BY AND BETWEEN THE YOSEMITE COMMUNITY COLLEGE  
DISTRICT, THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO TO  
TERMINATE JOINT EXERCISE OF POWERS AGREEMENT

This Agreement by and between the Yosemite Community College District, the County of Stanislaus, and the City of Modesto to terminate joint exercise of powers agreement ("Agreement") is made in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (commencing with section 6500), as amended and supplemental from time to time (the "Law"). This Agreement is made for the purposes of terminating the Joint Exercise of Powers Agreement ("JPA Agreement") of the Criminal Justice Training Agency ("Agency"), for convenience dated as of July 1, 1997, by and between the Yosemite Community College District ("District"), the County of Stanislaus ("County") and the City of Modesto ("City"), collectively the "Parties," disposing of all property, settling all accounts, and winding up all affairs of the Agency.

WHEREAS, Title 1, Division 7, Chapter 5 of the California Governmental Code authorizes two or more public agencies to agree to the joint exercise of any power common to them.

WHEREAS, on or about July 1, 1997, the parties entered into the JPA Agreement.

WHEREAS, in accordance with section 6510 of the Law, the Parties may terminate the JPA Agreement.

WHEREAS, the parties desire to terminate the Agency and wind up all affairs of the Agency by this Agreement, which shall be effective as of July 1, 2003.

WHEREAS, Modesto Junior College ("College") will continue to operate a smaller Criminal Justice Training Program that will serve local law enforcement,

WHEREAS, County will continue to provide a defensive driving range for use by the College's Criminal Justice Program,

WHEREAS, City will continue to provide access to its firing range and firing simulator for use by the College's firearms classes,

1. Definitions. Unless the context otherwise requires, the terms defined in this section and initially capitalized in the text shall for all purposes of this Agreement have the meanings herein specified.

“Agency” shall mean Criminal Justice Training Agency, a joint exercise of powers agency created by the Members hereunder.

“Agreement” shall mean this agreement as same now exists and as it may from time to time be amended.

“Commission” shall mean the Commission described in Section 7 of the JPA Agreement.

“Effective Date” shall mean July 1, 2003.

“JPA Agreement” shall mean the Joint Exercise of Powers Agreement for convenience dated as of July 1, 1997, among the Members as it now exists and as it may from time to time be amended by all supplemental agreements entered into pursuant to Section 14 of the JPA Agreement.

“Law” shall mean Chapter 5 of Division 7 of Title 1 of the Government Code of the State (commencing with Section 6500, of the Government Code), and all laws amendatory thereof or supplemental thereto, and the Education Code.

“Member” shall mean the District, the County or the City.

“Parties” shall mean the District, the County and the City.

“Program” shall mean the Criminal Justice Training Program.

2. Purpose of Agreement. The purpose of this Agreement is for the District, County and City to terminate the JPA Agreement and wind up all affairs of the Agency as of the Effective Date.

3. Termination of the Agency and Disposition of Property.

- 3.1 Termination by Mutual and Unanimous Consent. The members of the Commission hereby agree mutually and unanimously to the termination of the Agency pursuant to section 6510 of the Law and sections 4.4 and 5 of the JPA Agreement, to be effective as of the Effective Date.

- 3.2 Filing of Notice of Agreement. The Agency shall, within thirty (30) days after the Effective Date, cause a notice of this termination to be prepared and filed with the office of the Secretary of State, pursuant to section 6503.5 of the Law.
- 3.3 Plan for Winding Up of the Affairs of the Agency. Within thirty (30) days of the Effective Date, the Commission shall adopt a plan for the winding up of the business and affairs of the Agency; the collection of all amounts due to the Agency, the payment and satisfaction or allocation to the Members of all debts, obligations, liabilities, and expenses of the Agency, the payment by the Members of any liabilities in excess of Agency assets, and the disposition and distribution of all surplus money, net assets and property of Agency to the Members in proportion of the contributions of the Members to the Agency as set forth in Section 6 of the JPA Agreement (the "Plan").
- 3.4 Disposition of Property. In accordance with Section 6511 of the Law, after the satisfaction and payment of all liabilities, obligations, debts and expenses of the Agency, the Commission shall distribute all property of the Agency to the Members pursuant to the Plan. The Members agree that Training Center and its furnishings and fixtures provided by the County are owned by the County and are not Agency property, and that furnishings, fixtures, and equipment purchased by the City or the District are the property of the Party that purchased or provided those furnishings, fixtures and/or equipment.
- 3.5 Winding Up of the Affairs of the Agency. Not more than ninety (90) days from the date of adoption of the Plan or by such other date as to which the Members shall agree, the Commission shall complete the winding up of the business and affairs of the Agency asset forth in the Plan.
- 3.6 Surplus Money. After the winding up of the affairs of the Agency, the Commission shall return any surplus money to the Members as set forth in the Plan, as required by Section 6512 of the Law.
- 3.7 Termination of Powers. From and after the Effective Date, the Agency shall continue to exercise the powers conferred upon it herein and in the JPA Agreement only for the purposes of terminating the Agency and winding up the business and affairs of the Agency, and only until it has completed execution of the Plan.

4. Term. This Agreement shall become effective as of the Effective Date and shall continue in full force and effect until the completion and full satisfaction of the duties, covenants, and conditions set forth herein and in the Plan.

5. Liability.

5.1 The provisions of Section 10 of the JPA Agreement shall survive the termination of the JPA Agreement and of this Agreement, and each Member hereby affirms the provisions of that Section.

5.2 The Agency and each Member shall jointly and severally indemnify and hold harmless the Agency, the other Parties, their agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorneys' fees, arising out of or resulting from this Agreement, the JPA Agreement, or acts or omissions of the Agency or that Member whether intentional or negligent. The Agency shall keep any and all policy and policies of insurance acquired pursuant to section 10.1 of the JPA Agreement in effect until one (1) year after execution of the Plan, the winding up of the affairs of the Agency and performance of all duties, obligations, covenants, and conditions related to the winding up of the affairs of the Agency set forth in this Agreement or the Plan have been completed.

6. Breach. If any Member shall default with regard to any covenant contained in this Agreement or the JPA Agreement, such default shall not excuse any of the other Members from fulfilling its obligations under the Agreement and the other Members shall continue to be liable for obligations herein contained. The Members hereby declare that the Agreement is entered into for the benefit of the Parties hereto. Each and all of the remedies given to the Parties hereto or by any law now or hereafter enacted are cumulative and the exercise of any one right or remedy shall not impair the rights of the Parties to any or all other remedies.

7. Severability. Should any part, term or provision of the Agreement be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

8. Section Headings. All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision in this Agreement.

9 State Governing Law. This Agreement shall be construed in accordance with any governed by the laws of the State of California.

10 Counterparts. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be executed as of the day and year written below.

Dated: \_\_\_\_\_ YOSEMITE COMMUNITY COLLEGE DISTRICT

By: \_\_\_\_\_  
Pamila Fisher, District Chancellor

Dated: \_\_\_\_\_ Approved as to form:

By: \_\_\_\_\_  
Legal Counsel for the District

Dated: \_\_\_\_\_ COUNTY OF STANISLAUS

By: \_\_\_\_\_  
Chief Executive Officer

Dated: \_\_\_\_\_ Approved as to form:

By: \_\_\_\_\_  
County Counsel

Dated: \_\_\_\_\_ CITY OF MODESTO

By: \_\_\_\_\_  
Jack R. Crist, City Manager

Dated: \_\_\_\_\_ Approved as to form:

By: \_\_\_\_\_  
City Attorney

## CITY OF MODESTO

### Plan for winding Up of the Affairs of the Criminal Justice Training Agency

Definition: The word "Committee" as used in this plan shall mean the Committee appointed by the City Manager and the Acting County Chief Administrative Officer to look into the financial affairs and winding up of the Ray Simon Criminal Justice Center Joint Powers Agreement following an exchange of correspondence between the City Manager and the Acting County Chief Administrative Officer with respect to those matters. The Committee was composed of City members: Police Chief Roy Wasden, Assistant Police Chief Michael Harden, Captain Dave Funk, Deputy Finance Director Greg Baird, and Lieutenant David Cooperider and County of Stanislaus members: Assistant Sheriff Richard Breshears, Retired Sheriff's Department Business Manager Pat Glatke, Senior Management Consultant Aileen Melson, Deputy Executive Officer Monica Nino-Reid and Auditor-Controller Larry Haugh. This committee is also known as the City/County Criminal Justice Committee.

**Representatives from the Yosemite Community College District were invited to attend and participate in this committee process. This invitation was declined.**

The work of this Committee resulted in a report of approximately February 2, 2004, setting forth the deficiencies in the administration of the Ray Simon Joint Powers Agreement and an equitable resolution of Joint Powers Agreement financial and property issues as set forth in the findings of the Committee which are intended by the Committee to be attached to the winding up plan.

This plan is not the same plan adopted by the Yosemite Community College District and the County of Stanislaus. The plan adopted by these two agencies was prepared prior to the work of the City/County Criminal Justice Committee. This earlier plan does not recognize the formation of the City/County Criminal Justice Committee and the Fiscal Closeout Report, a product of that committee. The initial plan and this City of Modesto plan are intended to comply with Section 3.3 of the Agreement by and Between the Yosemite Community College District, the County of Stanislaus, and the City of Modesto to Terminate Joint of Powers Agreement.

This City of Modesto Plan acknowledges that the Chairperson of the Commission of the Criminal Justice Training Agency and the Yosemite Community College District assert that the original plan was adopted on May 08, 2003. This City of Modesto Plan also asserts that the adoption of the original plan by the Commission of the Criminal Justice Training Agency was in opposition of the position of the City of Modesto and that the actions of the Commission were not in compliance with the original Joint Powers Agreement and was legally incorrect.

This City of Modesto plan recognizes the following findings of the City/County Criminal Justice Committee:

- The Joint Powers Agreement was not reported as a separate public entity.
- The Commission did not adopt annual budgets.
- The audits as prescribed in the Joint Powers Agreement were not conducted.

1. The Criminal Justice Training Agency has collected all known amounts due to the Agency (additionally, the current Director of the Ray Simon Regional Criminal Justice Training Center is aware of no outstanding debts that are yet to be paid by the Criminal Justice Training Agency).
2. The Agency has paid all debts of the Agency of which the Members of the Agency have knowledge as of the date of acceptance of this Plan by the Commission.
3. Any remaining debts or liabilities of the Agency incurred or received by the Agency from a person who is not a party to the Termination Agreement after the adoption of the Plan shall be shared equally among the three Members of the Agency to the extent that they exceed the assets of the Agency at the time of acceptance of the debt for payment by the Agency and each Member shall pay its share directly to the third party creditor (as stated previously, it is the understanding of the City/County Criminal Justice Committee that there are no outstanding debts yet to be paid by the Criminal Justice Training Agency).
4. All furnishings, fixtures and equipment purchased by the County, the City or the District are the property of that Member and shall be disbursed in accordance with the recommendations of the City/County Criminal Justice Committee to the appropriate Member. Property purchased by the Criminal Justice Training Agency shall be disbursed, as agreed upon by the City/County Criminal Justice Committee.
5. The Training Center and its furnishings and fixtures provided by the County and are not Agency property.
6. Any surplus money and remaining assets of the Agency, after payment and satisfaction of any remaining debts, obligations, liabilities, and expenses of the Agency incurred or received by the Agency from a person who is not a Member after the adoption of this Plan, shall be distributed in accordance with the approved findings of the City/County Criminal Justice Committee.
7. The City does not recognize any responsibility to pay any portion of any insurance premiums related to the ongoing operations of the Ray Simon Regional Criminal Justice Training Center, subsequent to July 01, 2003.
8. The City/County Criminal Justice Committee shall complete the winding up of the affairs of the Criminal Justice Training Agency within thirty (30) days of the date of adoption of this City of Modesto Plan by providing to each Member a final balance sheet indicating assets and liabilities of the Agency in accordance with the findings of the City/County Criminal Justice Committee, and a financial statement indicating income and expenses of the Criminal Justice Training Agency to the date of the statement.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-126**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
ROBERT TRACHE FROM THE CITIZENS HOUSING & COMMUNITY  
DEVELOPMENT COMMITTEE**

WHEREAS, ROBERT TRACHE was appointed a member of the Citizens Housing & Community Development Committee on July 22, 2003, and

WHEREAS, ROBERT TRACHE has tendered his resignation from the aforementioned committee, and

WHEREAS, ROBERT TRACHE has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of ROBERT TRACHE from the Citizens Housing & Community Development Committee hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to ROBERT TRACHE for his outstanding service to the community.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:



Michael D. Milich, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-127**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO ESTABLISH CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN**

WHEREAS, an owner of not less than 10 percent of the area of land proposed to be included within the community facilities district herein described has filed with the City Clerk of this City (the "City") a petition requesting that this Council (the "Council") form a community facilities district pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order to:

- (i) finance certain public facilities having a useful life of 5 years or longer (the "Facilities") more particularly described in Exhibit B, including expenses incidental thereto; and
- (ii) finance certain services (the "Services") more particularly described in Exhibit C; and

WHEREAS, upon receipt of the petition, this Council is, pursuant to Section 53320 of the California Government Code, required to adopt a resolution of intention to establish the community facilities district; and

WHEREAS, in the event the community facilities district is established, it is the intention of this Council to: finance the Facilities through the authorization, issuance and sale of bonds to be approved at an election to be held within the boundaries of the district,

- (ii) pay debt service on the bonds through the levy of a special tax therein, and
- (iii) finance the Services through the levy of a special tax therein; and

WHEREAS, this Council has adopted local goals and policies concerning the use of the Act;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. The name proposed for the community facilities district is “City of Modesto Community Facilities District No. 2004-1” and is referred to in this Resolution as the “District.”

SECTION 3. The boundaries of the District are shown on a map, hereby approved, entitled “Proposed Boundaries of City of Modesto Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” a copy of which is on file in the office of the City Clerk. Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in the City Clerk’s office and, within 15 days after the adoption of this Resolution and in no event later than 15 days prior to the date of the public hearing referred to in Section 8, file a copy of the map with the County Recorder of the County of Stanislaus.

The Council finds that no land proposed to be included in the District is devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products.

SECTION 4. The Facilities proposed to be provided by the District are public facilities authorized to be acquired or constructed under the Act that have a useful life of five (5) years or longer. The Facilities are governmental facilities which the Council is authorized by law to contribute revenue to, or construct, own or operate; or which a local public agency is authorized by law to provide. The Council further determines that such

Facilities are necessary to meet increased demands placed upon the City and other local agencies as a result of development occurring within the boundaries of the District.

The Facilities are proposed to include any and all incidental expenses related thereto, as authorized by the Act, including the payment in full of all amounts necessary to eliminate any fixed special assessment liens or to pay, repay, or defease any obligation to pay or any indebtedness secured by any tax, fee, charge, or assessment levied within the area of the District or to pay debt service on that indebtedness.

The Services proposed to be provided by the District are in addition to those provided in the District before its creation, since none of the Services have been or will be provided in the District before its creation.

SECTION 5. The Council determines that the public interest will not be served by allowing the owner(s) of property within the proposed District to enter into a contract pursuant to Section 53329.5(a) of the Act.

SECTION 6. (a) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities to be financed by the District and/or the principal and interest as it becomes due on bonds issued to finance such Facilities, the incidental expenses related thereto, and the Services, special taxes sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment and manner of collection of the proposed special taxes is set forth in Exhibit A. Exhibit A provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and the Services.

(b) In the case of the special tax to pay for the Facilities that is to be levied against any parcel of land used for private residential purposes (as defined and provided

in the Act), (1) the maximum special tax has been specified as a dollar amount which will be calculated and thereby established not later than the date of which any such parcel of land is first subject to the special tax because of its use for private residential purposes, and which amount will not be increased over time by an amount exceeding two per cent (2%) per year, (2) after Fiscal Year 2060-2061, the special tax will no longer be levied or collected against any such parcel of land, and (3) under no circumstances will the special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels of land within the District by more than ten per cent (10%). The special tax to pay for the Facilities may, however, establish different tax rates for different categories of residential property, and may provide for a change in the dollar amount of the special tax for the parcel if the size of the residence is increased or if the size or use of the parcel is changed.

(c) The obligation to pay the special tax to pay for the Facilities may be prepaid and permanently satisfied, and the lien of the special tax to pay for the Facilities discharged pursuant to the procedures set forth in EXHIBIT A.

(d) If the special tax to pay for the Facilities is prepaid and permanently satisfied as to a particular parcel of land, this Council shall cause to be prepared and recorded in the office of the County Recorder of the County of Stanislaus, which shall accept for recordation, a Notice of Cancellation of Special Tax Lien as to that parcel. The Notice of Cancellation of Special Tax Lien shall identify with particularity the special tax to pay for the Facilities which has been prepaid and permanently satisfied, state the book and page number in the records of the County Recorder where the Notice of Special Tax Lien being cancelled is recorded, contain the legal description and assessor's parcel number of the particular parcel of land subject to the lien, and contain the name of the owner of record of the parcel. The County Recorder shall mail the

original Notice of Cancellation of Special Tax Lien to the owner of the property after recording the document. This Council may specify a charge for the preparation and recordation of the Notice.

SECTION 7. Pursuant to Section 53314.9 of the Act, this Council may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, and may provide, by resolution, for the use of those funds or that work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the District.

SECTION 8. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special taxes shall be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, April 6, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 9. The Public Works & Transportation Director, as the officer of the City who will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established, is directed to study the proposed District, and, at or before the time of the hearing, cause to be prepared and filed with the Council a report containing: (a) a brief description of the Facilities and Services by type which will in such officer's opinion be required to adequately meet the needs of the District; (b) an estimate of: (i) the cost of providing the Facilities and Services; (ii) the fair and reasonable cost of any of the Facilities to be purchased; and (iii) the fair and reasonable cost of incidental expenses to be incurred in connection therewith, including the costs of the proposed bond financing and other related costs as provided in Section 53345.3 of the Act.

The report shall be made a part of the record of the hearing.

SECTION 10. At the time and place set forth in this Resolution for the hearing, any interested persons, including taxpayers, property owners and registered voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special taxes will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 11. The City Clerk is directed to publish a notice of the hearing, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 12. (a) If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (1/2) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special taxes, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the District or to levy the special taxes will be taken for a period of one year from the date of the decision of the Council.

(b) If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of the Facilities or Services within the District, or against levying a specified special tax, those types of Facilities or Services or the specified special tax will be eliminated from the District proceedings.

(c) At the conclusion of the hearing, if the Council determines to establish the District, it will adopt a resolution of formation and then submit the levy of the special taxes to the qualified electors of the District in a special election.

SECTION 13. (a) If, after the hearing, the Council adopts a resolution of formation establishing the District and submits the levy of the special taxes to the qualified electors of the District in a special election, such election will be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk shall, within three business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map of sufficient scale and clarity to show the boundaries of the District, and a sufficient description to allow the election official to determine the boundaries of the District, to the official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing district's boundaries and if requested by the official conducting the election.

(b) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the election official conducting the election shall be required.

(c) Such time limits, or requirement pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election.

(d) The special election on (i) the proposition of the District incurring a bonded indebtedness in an amount not to exceed \$75,000,000, (ii) the proposition with respect to the levy of special taxes on the land within the District, and (iii) the proposition with respect to the establishment of an appropriations limit for the District in the amount of \$75,000,000, per fiscal year, if the District is established, will be consolidated.

(e) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the close of the hearing, the vote will be by the registered voters of the proposed District, with each voter having one vote. Otherwise, the vote will be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, will have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner will be specified on the ballot provided to that landowner.

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The official conducting the election may certify the proper mailing or personal delivery of ballots by an affidavit, which shall constitute conclusive proof of such mailing or personal delivery in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(g) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there will be prepared and included in the ballot material

provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners.

If the election is to be conducted by mail ballot, the election official conducting the election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in a landowner election shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains an official ballot and will be opened only by the canvassing board.

(h) The procedures set forth in this Section for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 14. This Council may, by ordinance, authorize contributions by the City from any sources of revenue not otherwise prohibited by law, of any specified amount, portion or percentage of such revenue for any of the following: (1) acquiring or constructing any of the Facilities; (2) the acquisition of interests in real property; (3) paying debt service with respect to the financing of any such acquisition or construction; (4) providing the authorized Services; and (5) the payment of expenses incidental to any of the foregoing.

SECTION 15. This Council reserves to itself the right and authority to allow any interested owner of property within the District, subject to the provisions of Section 53344.1 of the Act and to those conditions it may impose, and any applicable prepayment penalties as described in the bond indenture or comparable instrument or document, to tender in full payment or part payment of any installment of the special tax levied to pay for the Facilities or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# Exhibit "A"

## **Rate and Method of Apportionment**

**CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

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Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2004-1 (Village One #2) [herein "CFD No. 2004-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2004-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2004-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City carrying out its duties with respect to CFD No. 2004-1 and the Bonds, including, but not limited to, levying and collecting the Special Taxes, the fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Taxes, costs associated with complying with any continuing disclosure requirements for the Bonds and the Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

**"Administrator"** means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Tax.

**“Annual Facilities Special Tax”** means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below.

**“Annual Facilities Special Tax Requirement”** means the amount necessary in any Fiscal Year (i) to pay principal and interest, including scheduled sinking fund payments, on Bonds, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Maintenance Special Tax Requirement for the Fiscal Year, (iii) to create or replenish reserve funds, (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2004-1 which have occurred in the prior Fiscal Year or (based on delinquencies in the payment of the Annual Facilities Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) to construct or acquire Authorized Facilities. The amounts referred to in clauses (i) and (iii) of the preceding sentence may be reduced in any Fiscal Year by: (i) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to a Bond indenture, Bond resolution, or other legal document that sets forth these terms; (ii) proceeds received by CFD No. 2004-1 from the collection of penalties associated with delinquent Annual Facilities Special Taxes; and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

**“Annual Maintenance Special Tax”** means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

**“Annual Maintenance Special Tax Requirement”** means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Facilities Special Tax Requirement for the Fiscal Year, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

**“Assessor’s Parcel”** or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

**“Assessor’s Parcel Map”** means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

**“Authorized Facilities”** means those facilities that are authorized to be funded by CFD No. 2004-1.

**“Authorized Services”** means those services that are authorized to be funded by CFD No. 2004-1.

**“Bonds”** means bonds or other debt (as defined in the Act), whether in one or more series, issued, insured or assumed by CFD No. 2004-1 related to Authorized Facilities.

**“Capitalized Interest”** means funds in any capitalized interest account available to pay debt service on Bonds.

**“CFD Formation”** means the date on which the Resolution of Formation to form CFD No. 2004-1 was adopted by the City Council.

**“City”** means the City of Modesto.

**“City Council”** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2004-1.

**“Commercial Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a commercial building based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“County”** means the County of Stanislaus.

**“Developed Property”** means, in any Fiscal Year, the following:

*For purposes of levying the Annual Maintenance Special Tax, “Developed Property” means:*

- for Low Density Residential Property and Village Residential Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,
- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and
- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

*For purposes of levying the Annual Facilities Special Tax, “Developed Property” means:*

- for Low Density Residential Property and Village Residential Property, all Parcels for which a building permit for construction, or reconstruction of a unit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,
- for Multi-Family Attached Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and

- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

**“Expected Land Uses”** means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel in CFD No. 2004-1 based on reference to the Expected Land Use Map. The Expected Land Uses for each Original Parcel in the CFD at the time of CFD Formation, and the corresponding Maximum Special Tax for each Parcel, are reflected in Attachment 2, which will be updated with each annexation of property into CFD No. 2004-1.

**“Expected Land Use Map”** means the map entitled “Village One Zoning of Unvested Properties” which is on file with the CFD Administrator at the City and the City Clerk and which identifies the Expected Land Uses on all Parcels within the Village One Specific Plan that either (i) are in CFD No. 2004-1 at CFD Formation, or (ii) may be annexed into the CFD in future Fiscal Years. The Expected Land Use Map may be updated in future years to add property within the Village One Specific Plan that was vested to develop when the map was prepared and, therefore, was not included in the map but subsequently has its vesting expire or for any other reason becomes subject to a condition of development that requires formation of, or annexation into, a CFD.

**“Final Map”** means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term “Final Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor’s Parcels that are designated as remainder parcels.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Improvement Area”** means a geographic area that, upon annexation into CFD No. 2004-1, is identified as an improvement area as defined in the Act instead of a Tax Zone, as defined below. Special Taxes collected within an Improvement Area will be the sole security for Bonds issued for that Improvement Area.

**“Industrial Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of an industrial building based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“Land Use Class”** means one of the five mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A. The City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation.

**“Low Density Residential Property”** means all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“Maximum Annual Facilities Special Tax”** means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Annual Maintenance Special Tax”** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum One-Time Facilities Special Tax”** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Special Taxes”** means, collectively, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

**“Multi-Family Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units. If a building permit has not yet been issued on the Parcel, the Administrator shall reference the Village One Specific Plan and/or the Parcel’s zoning designation to determine whether the Parcel is Multi-Family Property.

**“Net Taxable Acreage”** or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

**“One-Time Facilities Special Tax”** means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

**“Original Parcel”** means an Assessor’s Parcel in CFD No. 2004-1 at the time of CFD Formation or added to the CFD upon annexation, as identified in Attachment 2 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

**“Per-Acre Special Taxes”** means the per-acre Special Taxes identified in Table 1 in Section C below.

**“Proportionately”** means, for Developed Property, that the ratio of the actual Annual Facilities Special Tax and Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property, respectively. In addition, for Undeveloped Property, “Proportionately” means that the ratio of the actual Annual Facilities Special Tax and actual Annual Maintenance Facilities Special Tax to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax is equal for all Assessor’s Parcels of Undeveloped Property, respectively.

**“Public Property”** means any property within the boundaries of CFD No. 2004-1 that is owned by the federal government, State of California, County, City, or other public agency.

**“Single Family Detached Lot”** means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

**“Special Taxes”** means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**“Special Tax Category”** means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**“Subdivision Map”** means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

**“Successor Parcel”** means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

**“Taxable Property”** means all of the Assessor’s Parcels within the boundaries of CFD No. 2004-1 which are not exempt from the Special Tax pursuant to law or Section G below.

**“Taxable Public Property”** means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2004-1 that, (i) based on the Village One Specific Plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

**“Tax Zone”** means a mutually exclusive geographic area within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment of Special Tax. Attachment 1 identifies the Tax Zone in CFD No. 2004-1 at CFD Formation; additional Tax Zones may be created when property is annexed into the CFD. Alternatively, additional Original Parcels may be added to a Tax Zone with assigned Maximum Special Taxes based on the Expected Land Uses on each Original Parcel.

**“Tax Zone #1”** means the geographic area that is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #1. Tax Zone #1 may be expanded to include additional Original Parcels that annex to CFD No. 2004-1; Attachments 1 and 2 will be updated each time such an annexation takes place.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2004-1 that are not Developed Property or, in the discretion of the City, any portion of a Parcel of Developed Property on which an additional structure will be constructed pursuant to issuance on an additional building permit.

**“Village One Specific Plan”** means the specific plan for development within the Village One project in the City of Modesto adopted by the City Council on April 1, 2003, as amended from time to time.

**“Village Residential Property”** means, in any Fiscal Year, all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

## **B. DATA FOR ANNUAL ADMINISTRATION**

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property in CFD No. 2004-1. The Administrator shall also determine: (i) the Tax Zone within which each Parcel of Taxable Property is located, (ii) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) which Parcels are Commercial Property, Industrial Property, Multi-Family Property, Low Density Residential Property, and Village Residential Property (the City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation), (iv) the Net Taxable Acreage of each Parcel, and (v) the Annual Facilities Special Tax Requirement and the Annual Maintenance Special Tax Requirement.

If, in any Fiscal Year, an Assessor’s Parcel includes both Developed Property and Undeveloped Property, the Administrator shall determine the Net Taxable Acreage of Developed Property, subtract this Net Taxable Acreage from the total Net Taxable Acreage of the Assessor’s Parcel, and use the remaining Net Taxable Acreage to calculate the Special Taxes that will apply to Undeveloped

Property within the Assessor's Parcel. The Special Taxes shall then be calculated for the Developed Property on the Parcel, and the total Special Taxes levied on the Assessor's Parcel shall be the sum of the Special Taxes determined separately for the Undeveloped Property and Developed Property on the Parcel.

**C. CALCULATING MAXIMUM SPECIAL TAXES**

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in CFD No. 2004-1 in each Fiscal Year, including the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax. A separate method of calculating the Maximum Special Taxes may be identified for Tax Zones or Improvement Areas added to CFD No. 2004-1 as a result of future annexations. The Per-Acre Special Taxes set forth in Table 1 below shall be used for purposes of Sections C.1 and C.2 below:

**Table 1  
Per-Acre Special Taxes  
Fiscal Year 2004-05 \***

<b>Land Use Class</b>	<b>Per-Acre Special Tax: One-Time Facilities Special Tax</b>	<b>Per-Acre Special Tax: Annual Facilities Special Tax</b>	<b>Per-Acre Special Tax: Annual Maintenance Special Tax</b>
Low Density Residential Property	\$13,342 per Net Taxable Acre	\$3,517 per Net Taxable Acre	\$525 per Net Taxable Acre
Village Residential Property	\$30,281 per Net Taxable Acre	\$6,405 per Net Taxable Acre	\$1,233 per Net Taxable Acre
Multi-Family Property	\$101,437 per Net Taxable Acre	\$7,222 per Net Taxable Acre	\$4,020 per Net Taxable Acre
Commercial Property	\$52,102 per Net Taxable Acre	\$3,570 per Net Taxable Acre	\$920 per Net Taxable Acre
Industrial Property	\$13,103 per Net Taxable Acre	\$2,550 per Net Taxable Acre	\$920 per Net Taxable Acre

*\* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.*

**1. Original Parcels**

The Maximum Special Taxes for each Land Use Class in the Original Parcel in CFD No. 2004-1 as of CFD Formation is identified in Attachment 2. Attachment 2 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in Attachment 2

(escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to a Land Use Class that has higher Per-Acre Special Taxes, as shown in Table 1 above. Upon approval of such change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update Attachment 2 to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

**2. Successor Parcels**

**a. *All Successor Parcels are Single Family Detached Lots***

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

**Step 1:** Determine the greater of (i) the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property within the Subdivision Map multiplied by the Per-Acre Special Taxes for such Land Use Classes from Table 1 above. If the Subdivision Map includes both Low Density Residential Property and Village Residential Property, separately calculate the amount that applies to each Land Use Class.

**Step 2:** Separately for any Low Density Residential Property and Village Residential Property created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each Single Family Detached Lot.

**b. *No Successor Parcels are Single Family Detached Lots***

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

- Step 1:** Identify the Expected Land Uses for the Original Parcel.
- Step 2:** Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.
- Step 3:** If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.
- Step 4:** If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps separately for each Special Tax Category:

**Step 4a.** Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

**Step 4b.** If the amount calculated in Step 4a is *greater than* the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 above to determine the Maximum Special Tax for each Successor Parcel.

**Step 4c.** If the amount calculated in Step 4a is *less than* the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the

Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 above.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**c. *Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall (i) break out the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property separately from the Net Taxable Acreage of other Land Use Classes, (ii) for the Low Density Residential Property and/or Village Residential Property created by the Subdivision Map, apply the steps in Section C.2a to determine the Maximum Special Taxes for each Single Family Detached Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for Land Use Classes other than Low Density Residential Property and Village Residential Property.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.**

**D. ESCALATION OF MAXIMUM SPECIAL TAXES**

**1. One-Time Facilities Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four

percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

## **2. Annual Facilities Special Tax**

Beginning in Fiscal Year 2005-06, and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

## **3. Annual Maintenance Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

# **E. METHOD OF LEVY OF THE SPECIAL TAX**

## **1. One-Time Facilities Special Tax**

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2004-1 and shall be collected as set forth in Section F below.

## **2. Annual Facilities Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year. The Annual Facilities Special Tax shall then be levied on all Parcels of Taxable Property in CFD No. 2004-1 as follows:

**Step 1:** The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year;

**Step 2:** If additional revenue is needed after Step 1, and after applying Capitalized Interest to the Annual Facilities Special Tax Requirement, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the

Maximum Annual Facilities Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

**Step 3:** If additional revenue is needed after applying the first two steps, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Facilities Special Tax assigned to each Parcel of Taxable Public Property.

### **3. Annual Maintenance Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

**Step 1:** The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

**Step 2:** If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

**Step 3:** If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

## **F. COLLECTION OF SPECIAL TAX**

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2004-1, and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax for CFD No. 2004-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall an Annual Facilities Special Tax be levied after Fiscal Year 2060-61. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services of the CFD and all Administrative Expenses have been reimbursed. Under no circumstances may the Special Taxes on one Parcel in the CFD be increased by more than ten percent (10%) as a consequence of delinquency or default in payment of the Special Taxes levied on another Parcel or Parcels in the CFD.

#### **G. EXEMPTIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on Public Property, except Taxable Public Property, as defined herein.

#### **H. PREPAYMENT OF SPECIAL TAX**

The following definitions apply to this Section H:

**“Outstanding Bonds”** means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

**“Previously Issued Bonds”** means all Bonds that have been issued on behalf of the CFD prior to the date of prepayment.

**“Public Facilities Requirements”** means either \$1,327,000 in 2004 dollars, which shall increase on January 1, 2005, and on each January 1 thereafter by the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or such other number as shall be determined by the City as sufficient to fund Authorized Facilities. The Public Facilities Requirements shown above shall be adjusted or a separate Public Facilities Requirements identified each time property annexes into CFD No. 2004-1; at no time shall the added Public Facilities Requirement for the annexation area exceed the amount of public

improvement costs that are expected to be supportable by the Maximum Annual Facilities Special Tax generated within that annexation area.

**“Remaining Facilities Costs”** means the Public Facilities Requirements (as defined above), minus costs of Authorized Facilities funded by Outstanding Bonds (as defined above), developer equity, and/or any other source of funding.

The Annual Facilities Special Tax obligation applicable to an Assessor’s Parcel in the CFD may be prepaid and the obligation of the Assessor’s Parcel to pay the Annual Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Annual Facilities Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor’s Parcel intending to prepay the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1.** Compute the total Maximum Annual Facilities Special Tax that could be collected from the Assessor’s Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2.** Divide the Maximum Annual Facilities Special Tax from Step 1 by the total amount that could be collected if the Maximum Annual Facilities Special Tax was levied on all Parcels of Taxable Property in the CFD.
- Step 3.** Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the “Bond Redemption Amount”*).
- Step 4.** Compute the current Remaining Facilities Costs (if any).

- Step 5.** Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (*the “Remaining Facilities Amount”*).
- Step 6.** Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the “Redemption Premium”*).
- Step 7.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds, which, depending on the Bond offering document, may be as early as the next interest payment date.
- Step 8:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (*the “Defeasance Requirement”*).
- Step 10.** Determine the costs of computing the prepayment amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (*the “Administrative Fees and Expenses”*).
- Step 11.** If and to the extent so provided in the indenture pursuant to which the Outstanding Bonds to be redeemed were issued, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (*the “Reserve Fund Credit”*).
- Step 12.** The Annual Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (*the “Prepayment Amount”*).

If an owner that has prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original prepayment for the Parcel.

## **I. INTERPRETATION OF SPECIAL TAX FORMULA**

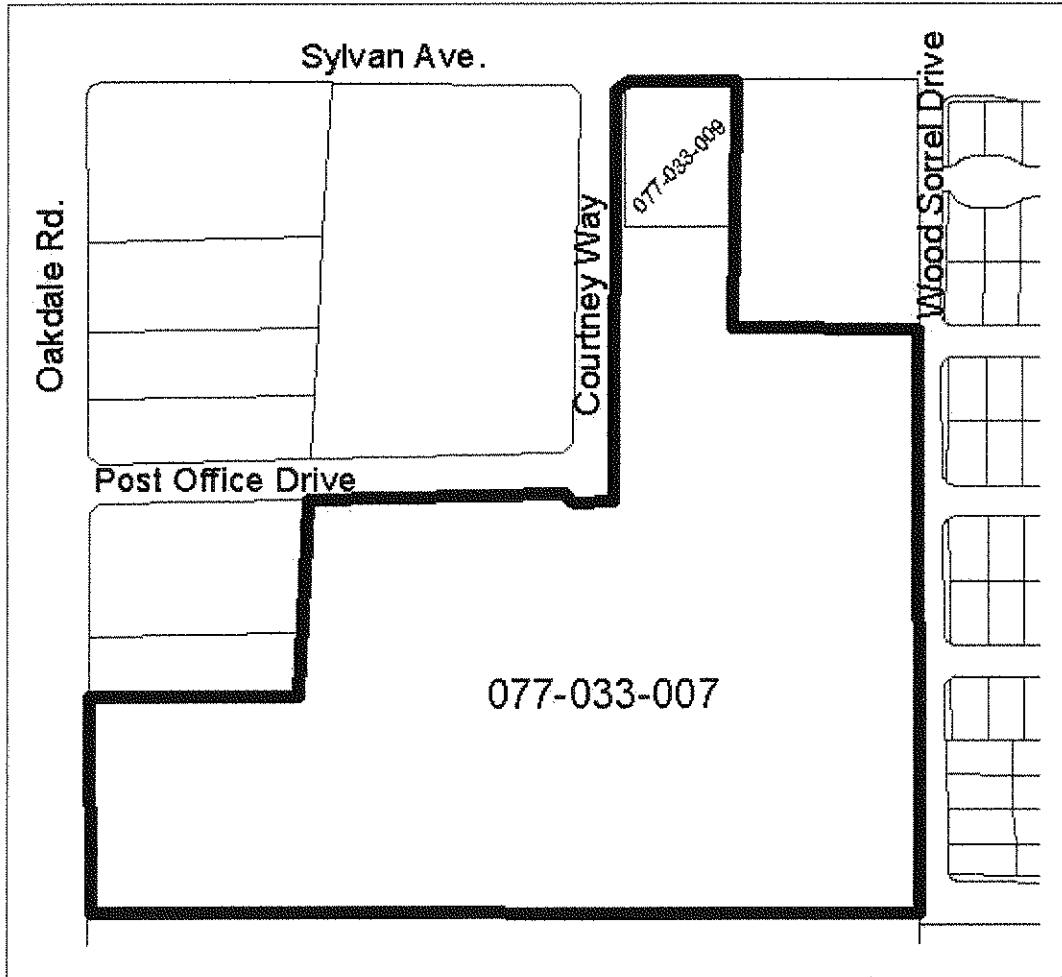
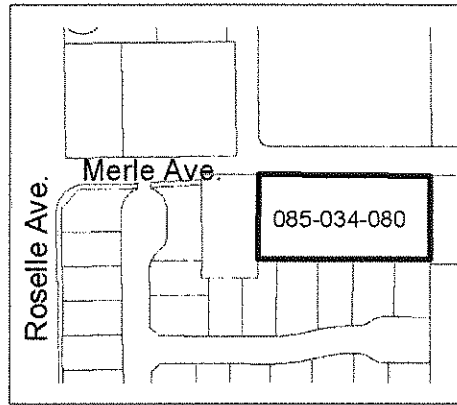
The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the Rate and Method of Apportionment of Special Tax. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Tax.

ATTACHMENT 1

CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)

IDENTIFICATION OF TAX ZONES

**Tax Zone #1  
includes APN's  
077-033-007  
077-033-009  
085-034-080**



**ATTACHMENT 2**

**CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE)**

**MAXIMUM SPECIAL TAXES ASSIGNED TO EXPECTED LAND USES  
WITHIN EACH ORIGINAL PARCEL IN EACH TAX ZONE**

Tax Zone	Assessor's Parcel Number	Expected Land Uses	Expected Net Taxable Acreage	Fiscal Year 2004-05 Maximum One-Time Facilities Special Tax/1	Fiscal Year 2004-05 Maximum Annual Facilities Special Tax/2	Fiscal Year 2004-05 Maximum Annual Maintenance Special Tax/3
1	77-33-07	Village Residential Commercial	16.23 3.24	\$491,461 \$168,810	\$103,953 \$11,567	\$20,012 \$2,981
1	77-33-09	Commercial	0.93	\$48,455	\$3,320	\$856
1	85-34-80	Village Residential	1.0	\$30,281	\$6,405	\$1,233

- Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.
- Beginning in Fiscal Year 2005-06 and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax shall escalate by 2.0% of the amount in effect in the prior Fiscal Year.
- Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

# Exhibit "B"

## LIST OF FACILITIES

### Description of Facilities

All facilities described herein are as presented in the Village One Facilities Master Plan ("FMP") update dated May 2003. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within CFD 2004-1.

#### A. Arterial Roads:

Included in the FMP are improvements to four arterial roads that will be funded by the CFD. They include Roselle Ave., from Briggsmore to the northern boundary of Village One (north of Sylvan), Floyd Ave. from Oakdale Rd. to Claus Rd., Oakdale Rd. from Briggsmore to Sylvan Ave., and Sylvan Ave. from Oakdale Rd. to Claus Rd. Also included in the CFD is partial funding for a pedestrian overcrossing on Sylvan Ave. to serve the new high school.

#### B. Storm Drain System:

The storm drainage system for Village One contains three detention basins:

1. West Basin: Dual-use basin that pumps water to the Central Basin.
2. Central Basin: Percolation/detention basin that pumps water to the MID Lateral #3 and may pump to Dry Creek via Claus Rd. at some time in the future.
3. East Basin: Dual-use basin that pumps water to Dry Creek via Claus Rd.

The facilities to be funded by the CFD include: basin property, trunk pipelines, force mains, pump stations, and other necessary appurtenances.

#### C. Parks:

Three neighborhood parks and one community park will be developed within the Village One Specific Plan area. The development of the parks will include the acquisition of land, park improvements and street frontage improvements for the Grogan Community Park, the Roselle Neighborhood Park, the Claus Neighborhood Park and the Merle Neighborhood Park.

In addition, buffer land for the community park is to be acquired, a bike trail is to be developed along MID Lateral No. 3, and a trail is to be developed along Claus Rd.

#### D. Public Facilities:

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

#### E. Other:

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

## Exhibit “C”

### **LIST OF SERVICES**

Included in this CFD is the maintenance of the Grogan Community Park, Roselle Neighborhood Park, Merle Neighborhood Park, Claus Neighborhood Park, arterial road parkway, median and roundabout landscaping, connector street parkway, median and roundabout landscaping, bike trails and storm drain facilities.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-128**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO INCUR A BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$75,000,000 WITHIN PROPOSED CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)**

WHEREAS, this Council (the "Council") has adopted its Resolution No. 2004-127 (the "Resolution of Intention to Establish the District") stating its intention to establish City of Modesto Community Facilities District No. 2004-1 (Village One #2) (the "District") pursuant to Chapter 2.5 of Part 1 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), for the purpose of financing certain public facilities (the "Facilities") described in the Resolution of Intention to Establish the District, and the incidental expenses thereof, and certain services (the "Services") as therein described; and

WHEREAS, in order to finance the Facilities and incidental expenses, it is necessary to incur bonded indebtedness in an amount not to exceed \$75,000,000, the repayment of which is to be secured by a special tax levied in accordance with Section 53328 of the Act, and the rate, method of apportionment and manner of collection described in the Resolution of Intention to Establish the District;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. It is necessary to incur bonded indebtedness within the boundaries of the proposed District for the purpose of financing the Facilities described in the Resolution of Intention to Establish the District, and the incidental expenses thereof.

SECTION 3. The bonded indebtedness is proposed to be incurred in order to finance the Facilities, including acquisition and construction costs, and all costs incidental to, or connected with the accomplishment of such purpose and the financing thereof, as permitted by Section 53345.3 of the Act.

SECTION 4. The whole of the proposed District will pay for the bonded indebtedness according to the rate and method of apportionment of the special tax as provided in the Resolution of Intention to Establish the District.

SECTION 5. The bonded indebtedness will be in an aggregate principal amount not to exceed \$75,000,000.

SECTION 6. A public hearing on the proposed bonded indebtedness will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, April 6, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353.

SECTION 7. At the time and place set forth above for the hearing, any person interested, including all persons owning property in the area, may appear and be heard on the proposed debt issuance.

The City Clerk is directed to publish a notice of the hearing, in the form required by the Act, one time, pursuant to Section 6061 of the Government Code, in a newspaper of general circulation published in the area of the proposed District, being *The Modesto Bee*. Such publication shall be completed at least seven (7) days prior to the date set for the hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-129**

**A RESOLUTION APPROVING AN ADVANCED FUNDING AGREEMENT FOR  
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)**

WHEREAS, B&G Development, LLC (the “Developer”) has filed with this City Council a petition requesting the formation of a community facilities district and the issuance of bonds to finance and maintain certain infrastructure; and

WHEREAS, in connection therewith there has been presented to this City Council the form of an Advanced Funding Agreement by and between the City and the Developer relating to advances made and to be made by the Developer to the City (the “Advanced Funding Agreement”);

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Council of the City of Modesto that the Advanced Funding Agreement between the City of Modesto and B&G Development LLC be hereby approved and that the City Manager is hereby authorized to execute the Advanced Funding Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-130**

**A RESOLUTION AMENDING THE FY97 CAPITAL IMPROVEMENT BUDGET  
TO TRANSFER \$125,000.00 FROM 7200-480-J879 FLEET MAINTENANCE  
FACILITY TO 0700-480-L116 ELM STREET BUILDINGS FY00**

WHEREAS, the bids received for the Elm Street Buildings project, were opened at 11:00 a.m. on February 10, 2004, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended in a separate resolution that the bid of \$295,012 be accepted as the lowest responsible bid and Finance has determined that there is \$125,000.00 available for this project in FY97 Capital Improvement Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY97 and FY00 Capital Improvement Budgets to transfer \$125,000 from 7200-480-J879 to 0700-480-L116 and appropriate \$125,000.00 from 7200-480-J879 to 0700-480-L116.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the FY97 and FY00 Capital Improvement Budgets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-131**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$295,012  
CONTRACT WITH TCB INDUSTRIAL, INC., FOR THE PROJECT TITLED  
“ELM STREET BUILDINGS,” AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE AGREEMENT**

WHEREAS, the bids received for the Elm Street Buildings project were opened at 11:00 a.m. on February 10, 2004, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$295,012 received from TCB Industrial, Inc., be accepted as the lowest responsible bid and the contract be awarded to TCB Industrial, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of TCB Industrial, Inc., in the amount of \$295,012, and hereby awards TCB Industrial, Inc., the contract titled “Elm Street Buildings” for \$295,012.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-132**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A JOHN DEERE 304H WHEEL LOADER UNDER THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES, CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) CONTRACT FROM NORTREX WEST OF FRENCH CAMP, CA. FOR A TOTAL ESTIMATED COST OF \$75,002.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of a John Deere 304H wheel loader, and

WHEREAS, this unit will replace a loader which has met its life expectancy and has become unreliable and costly to keep operational, and

WHEREAS, this unit is fully funded for replacement from funds set aside out of the Fleet Replacement Fund, and

WHEREAS, the estimated cost of a new John Deere 304H loader purchased under a California Multiple Award Schedule (CMAS), General Services Administration Statewide pricing contract is \$75,002, and

WHEREAS, the estimated State Service Charge for using the CMAS contract is \$1,349, and

WHEREAS, purchasing the equipment from Nortrex West under the CMAS contract will allow the City to receive the lowest possible price for this piece of industrial equipment, and

WHEREAS, Nortrex West, French Camp, CA. is the closest authorized dealer for this equipment, and there are no local vendors authorized to sell this piece of industrial equipment, and

WHEREAS, the Modesto Municipal Code (MMC) generally requires all purchases exceeding \$50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, per MMC Section 8-3.204 (d) the Purchasing Supervisor may determine that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, on August 26, 2002 the Finance Committee recommended that Fleet Services bring critical equipment and vehicles needs to Council for approval on an as needed basis, and

WHEREAS, at its meeting on February 23, 2003, the Finance Committee authorized City staff to take this same piece of equipment to full Council for approval,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the purchase of a John Deere 304H wheel loader from Nortrex West under the CMAS statewide pricing contract for a total estimated cost of \$75,002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-133**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS  
FOR PERSONAL PROTECTIVE EQUIPMENT FOR FIRE DEPARTMENT  
PERSONNEL AT AN ESTIMATED ANNUAL COST OF \$150,000.00.**

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, this equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, self-contained breather equipment, EMS gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of request for bids for personal protective equipment for Fire Department personnel at an estimated annual cost of \$150,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-134**

**A RESOLUTION DECLARING AS SURPLUS ONE 1978 INTERNATIONAL  
TYPE III APPARATUS AND AUTHORIZING THE SALE OF THIS UNIT  
THROUGH THE AUCTION PARK AT AN ESTIMATED VALUE OF \$2,000.00.**

WHEREAS, the City purchased a new International cab and chassis in 1978, and

WHEREAS, a utility bed was added to the cab and chassis and it was equipped as  
a rescue vehicle, and

WHEREAS, the International was used as a rescue vehicle until 1993, and

WHEREAS, in 1993, due to a change in philosophy and equipment, the rescue  
equipment was moved to the ladder trucks, and

WHEREAS, the International was then converted to a quasi-Type III engine, and

WHEREAS, the conversion posed several problems which intensified with age  
and Department of Transportation regulation changes, and

WHEREAS, in 2002 the Council approved the purchase of a new Type III  
(wildland) apparatus, and

WHEREAS, the 1978 International has reached the end of fire fighting service  
life and has been replaced with new equipment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby declares as surplus the 1978 International Type III apparatus at an estimated  
value of \$2,000.

BE IT FURTHER RESOLVED that the sale of this unit through The Auction  
Park is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-135**

**A RESOLUTION ACCEPTING \$698,798 IN FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION BICYCLE TRANSPORTATION ACCOUNT PROGRAM FOR PHASE I CONSTRUCTION OF THE VIRGINIA CORRIDOR AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LOCAL AGENCY-STATE AGREEMENT.**

WHEREAS, staff has been notified by the State of California Department of Transportation that the City of Modesto has been awarded \$698,798 in funding from the Bicycle Transportation Account Program for construction of Phase I of the Virginia Corridor, and

WHEREAS, said funding will allow construction south of the Rotary Centennial Project to proceed, and

WHEREAS, in order to accept the funding, the City Manager must be authorized to execute the Local Agency-State Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts \$698,798 in funding from the Bicycle Transportation Account Program for construction of Phase I of the Virginia Corridor.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Local Agency-State Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-136**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-04 CAPITAL IMPROVEMENT PROGRAM TO APPROPRIATE A NEW CIP PROJECT "VIRGINIA CORRIDOR PHASE II & III CONSTRUCTION" (2300-310-A015-6040) WITH THE EXPENSE BUDGET OF \$698,798 AND TO BUDGET THE STATE BICYCLE TRANSPORTATION ACCOUNT PROGRAM GRANT AS REVENUE FOR THIS CIP (2300-310-A015-3192)..**

WHEREAS, staff was recently notified that the City of Modesto was awarded \$698,798 in funding from the State of California Department of Transportation Bicycle Transportation Account Program for Phase I construction of the Virginia Corridor, and

WHEREAS, said funding needs to be estimated and appropriated for budget purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 2003-04 Capital Improvement Program to appropriate a new CIP project "Virginia Corridor Phase II & III Construction" (2300-310-A015-6040) with the expense budget of \$698,798 and to budget the State Bicycle Transportation Account Program grant as revenue for this CIP (2300-310-A015-3192).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of March, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-137**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$627,555.26  
CONTRACT WITH GEORGE REED, INC., FOR THE PROJECT TITLED,  
“2002-2003 PAVEMENT MAINTENANCE PROGRAM – SCENIC DRIVE  
OVERLAY FROM ROSE AVENUE TO SONOMA AVENUE,” AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the bids received for the 2002-2003 Pavement Maintenance Program – Scenic Drive Overlay from Rose Avenue to Sonoma Avenue project were opened at 11:00 a.m. on February 10, 2004, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$627,555.26 received from George Reed, Inc., be accepted as the lowest responsible bid and the contract be awarded to George Reed, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$627,555.26, and hereby awards George Reed, Inc., the contract titled “2002-2003 Pavement Maintenance Program – Scenic Drive Overlay from Rose Avenue to Sonoma Avenue.”

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 138**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL  
BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**Budget Adjustments for the Month of February 2004**

#	Type of Account	Description	Fund	Agcy	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
---	-----------------	-------------	------	------	------	-----------------	----------	---------------------	------------------------	---------------------

<i>Operations &amp; Maintenance</i>										
#1										
			From:							
	Appropriation	General Fund Reserves	0100	800	8000	8003	0100r	-\$1,396,160	-\$80,000	-\$1,476,160
			To:							
	Appropriation	One-time labor	0100	480	4722	0130	4800a	\$0	\$20,000	\$20,000
		Equipment Rental	0100	480	4722	0218	4800c	7,176	10,000	\$17,176
		Professional Services & Other	0100	480	4712	0235	4800c	62,409	10,000	\$72,409
		M&R Supplies	0100	480	4712	0360	4800c	37,856	40,000	\$77,856
	Justification	Appropriation transfer from General Fund Reserve to Graffiti Abatement operating accounts to fund the unexpected costs of removing graffiti incurred through recent increases in graffiti attributed to increased gang activity. Since graffiti, left unabated, leads to even more graffiti, timely abatement is critical. Expenses have been higher than budgeted for hiring temporary help and paying overtime for full-time employees to address the increased graffiti levels. In addition, we have experienced an increase in print prices. This adjustment is expected to cover expenses through the remainder of the fiscal year.								

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-139**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
PURCHASE FIFTEEN (15) USED VEHICLES AT WHOLESALE AUCTION  
FOR AN ESTIMATED TOTAL COST OF \$262,500.**

WHEREAS, the Operations and Maintenance Department-Fleet Services Division has requested the purchase of fifteen (15) used vehicles, and

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

WHEREAS, twelve (12) of the used vehicles will be used by the Modesto Police Department for their investigation and administrative staff, and

WHEREAS, the remaining three (3) used vehicles will be used by Neighborhood Preservation, Motor Pool, and the Water Division, and

WHEREAS, Fleet Services staff will attend various wholesale auctions held throughout California, and make a recommendation to the Purchasing Supervisor to purchase fifteen (15) used vehicles by auction at a cost not to exceed \$262,500, and

WHEREAS, by buying the used vehicles at auction the City will realize considerable savings, and

WHEREAS, based on direction from Council, the Purchasing Division issued a Request for Interest (RFI) to eighty-eight (88) local automobile dealers to see if it would be more cost effective to have a local automobile dealer perform the purchasing of used vehicles on behalf of the City, and

WHEREAS, six (6) responses were received to the RFI , and

WHEREAS, the Fleet Services Manager reviewed the responses received, and based on pricing submitted, determined that it would be more cost effective for the City to purchase the used vehicles at auction utilizing City staff, and

WHEREAS, Modesto Municipal Code Section (MMC) 8.3-204 (d) allows the Purchasing Supervisor discretion to determine that a process other than the formal bid procedures will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, the purchase of used vehicles at auction will conform to MMC Section 8.3-204 (d), and

WHEREAS, this item was presented to the Finance Committee at its February 25, 2004 meeting and received unanimous approval to move the matter forward to full Council for review,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to purchase fifteen (15) used sedan vehicles at wholesale auction, utilizing City staff, for an estimated not to exceed total cost of \$262,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-140**

**A RESOLUTION APPOINTING JAMES E. LEONARD AND JAMES DAVIS TO  
THE AIRPORT ADVISORY COMMITTEE**

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

WHEREAS, the Economic Development Committee met on March 3, 2004 and March 8, 2004, and recommended appointment of JAMES E. LEONARD (public at large) and JAMES DAVIS (non-provider user/general aviation side) to the Airport Advisory Committee.

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

SECTION 1. JAMES E. LEONARD, with term expiring January 1, 2007, and JAMES DAVIS, with term expiring January 1, 2008, are hereby appointed to the Airport Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Airport Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-141**

**RESOLUTION APPOINTING TED BRANDVOLD AND MICHAEL NAVARRO  
TO THE BOARD OF ZONING ADJUSTMENT**

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

WHEREAS, the Economic Development Committee met on February 24, 2004 and recommended appointment of TED BRANDVOLD and MICHAEL NAVARRO to the Board of Zoning Adjustment.

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

SECTION 1. TED BRANDVOLD, term expiring January 1, 2006, and MICHAEL NAVARRO, term expiring January 1, 2008, are hereby appointed to the Board of Zoning Adjustment.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:


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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-142**

**A RESOLUTION APPOINTING CHARLES CHITURAS TO THE CITIZENS  
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE**

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

WHEREAS, the Economic Development Committee met on March 8, 2004, and recommended appointment of CHARLES CHITURAS to the Citizens Housing & Community Development Committee.

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

SECTION 1. CHARLES CHITURAS is hereby appointed to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing & Community Development, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-143**

**A RESOLUTION APPOINTING MEMBERS TO THE LOCAL CABLE  
PROGRAMMING COMMITTEE**

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

WHEREAS, the Economic Development Committee met on March 3, 2004, and recommended appointment of ERNIE FOOTE, DAVE THOMAS, FLOYD HARRIS, ELLIE TEMPLE BAUMER and MARK LOOKER to the Local Cable Programming Committee.

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

SECTION 1. ERNIE FOOTE, term expiring January 1, 2005, DAVE THOMAS, term expiring January 1, 2005, FLOYD HARRIS, term expiring January 1, 2006, ELLIE TEMPLE BAUMER, term expiring January 1, 2007, and MARK LOOKER, term expiring January 1, 2008, are hereby appointed to the LOCAL CABLE PROGRAMMING Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the LOCAL CABLE PROGRAMMING Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

R. S. Acting  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-144**

**A RESOLUTION APPOINTING DAVID COGDILL, JR. AND KRISTIN OLSEN  
TO THE PLANNING COMMISSION**

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

WHEREAS, the Economic Development Committee met on February 25, 2004, and recommended appointment of DAVID COGDILL, JR. and KRISTIN OLSEN to the Planning Commission.

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

SECTION 1. DAVID COGDILL, JR., term expiring January 1, 2006, and KRISTIN OLSEN, term expiring January 1, 2008, are hereby appointed to the Planning Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-145**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE MASTER PROPERTY TAX SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the Modesto City School District recently acquired five single-family lots adjacent to the Bret Harte Elementary School for purposes of expansion of the school, and

WHEREAS, the expansion area lies just outside the Modesto city limits, and it is in the best interests of the City, the County and the School District to have all of the school area located in the Modesto city limits, and

WHEREAS, the School District proposes to annex the expansion area to the City of Modesto, and

WHEREAS, a legal prerequisite to the annexation is a Property Tax Sharing Agreement between the City and the County providing for the allocation of property tax revenues even though the School District property is exempt, and

WHEREAS, on April 9, 1996, by Resolution No. 96-170 the City of Modesto entered into a Master Property Tax Agreement with the County of Stanislaus, and

WHEREAS, amending the Master Property Tax Sharing Agreement would make the expansion area subject to the Master Property Tax Sharing Agreement so that the annexation can legally proceed, and

WHEREAS, the City Council considered this matter at its meeting of March 9, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the first amendment to the Master Property Tax Sharing Agreement and authorizes the City Manager or his authorized designee to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-146**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN [ANNEXATION #1]**

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

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-127, adopted on March 2, 2004 (the “Resolution of Intention to Establish the District”) declare its intention to establish the City’s Community Facilities District No. 2004-1 (Village One #2) (“the District”);

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District; and

WHEREAS, the territory to be annexed is within the City limits;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of

the City of Modesto, County of Stanislaus, State of California” on file with the County Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85.

SECTION 3. The territory proposed to be annexed to the District (the “Territory”) is described in Exhibit A.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No.1 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

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

SECTION 6. The special taxes to be levied in the District are also set forth in the Resolution of Intention to Establish the District. It is intended that the same special taxes be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, May 4, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

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

SECTION 9. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:


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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

Filed in the Office of the City Clerk of the City of Modesto showing this \_\_\_ day of \_\_\_\_\_, 2004.

JEAN ZARR, City Clerk

By: \_\_\_\_\_

Print Name

This is a map of the area proposed to be annexed to Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California, the boundary map for which was recorded in Book \_\_\_\_\_ of Maps of Assessment and Community Facilities Districts of page(s) \_\_\_\_\_ in the Office of the County Recorder, of the County of Stanislaus, State of California.

JEAN ZARR, City Clerk

By: \_\_\_\_\_

Print Name

I hereby certify that this map showing the proposed boundaries of Annexation #1, Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California, was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the \_\_\_ day of \_\_\_\_\_, 2004, by its Resolution No. \_\_\_\_\_.

JEAN ZARR, City Clerk

By: \_\_\_\_\_

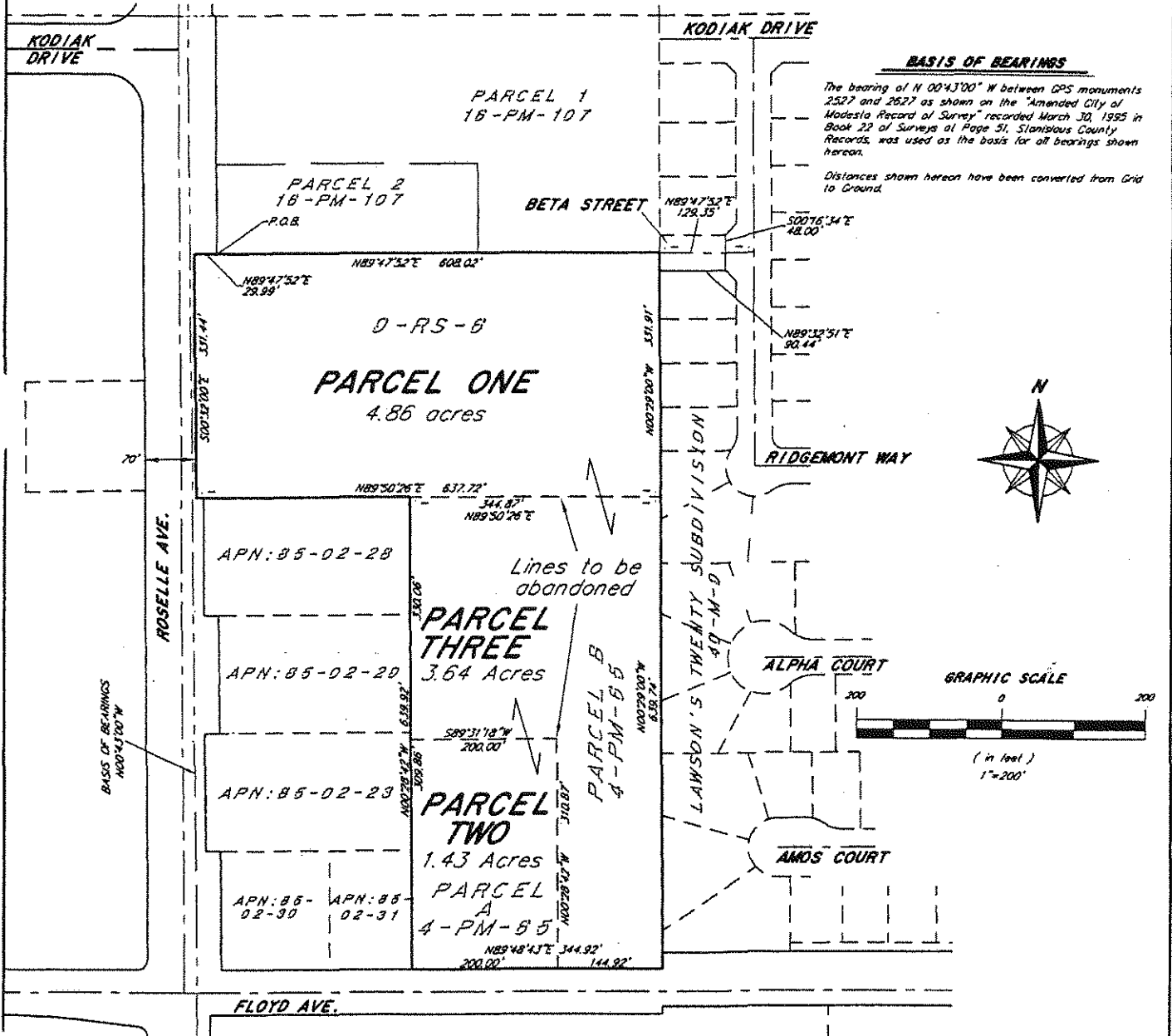
Print Name

Filed this \_\_\_ day of \_\_\_\_\_, 2004, at the hour of \_\_\_ o'clock \_\_\_ m. in Book \_\_\_\_\_ of Maps of Assessment and Community Facilities Districts of page(s) \_\_\_\_\_ in the Office of the County Recorder of the County of Stanislaus, State of California.

LEE LUNDGREN, County Recorder of the County of Stanislaus, State of California

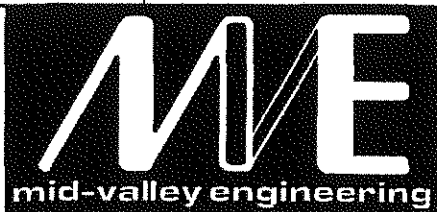
By: \_\_\_\_\_

Print Name



Drawn:	DWJ
Scale:	1"=200'
Job No.:	03114
Phone:	209.526.4214
Dwg. No.:	03114-CFD

**CITY OF MODESTO**  
CFD No. 2004-1 (VILLAGE ONE #2)  
PROPOSED BOUNDARIES OF ANNEXATION #1  
TO CITY OF MODESTO CFD No. 2004-1 (VILLAGE ONE #2)  
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



SHEET  
1  
OF  
1

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-147**

**A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION  
DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY  
CREEK MEADOWS SUBDIVISION NOS. 1-6.**

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivision Nos. 1-6 the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-148**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in

accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahir  
JEAN ZAHIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By M. D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-149**

**A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS IN THE LORETELLI MANOR SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH WILLIAM T. LORETELLI AND VERONICA A. LORETELLI, TRUSTEES OF THE LORETELLI REVOCABLE TRUST AND MORRISON HOMES, INC., A DELAWARE CORPORATION**

WHEREAS, WILLIAM T. LORETELLI and VERONICA A. LORETELLI, TRUSTEES OF THE LORETELLI REVOCABLE TRUST and MORRISON HOMES, INC., A DELAWARE CORPORATION, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.81 acres, known as the LORETELLI MANOR SUBDIVISION (“SUBDIVISION”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16th day of December, 2002, and

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

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

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

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

WHEREAS, the subdivider has posted a warranty security in an amount equal to the estimated cost of the public improvements, as determined by the City Engineer, to guarantee and warranty the public improvements for a period of one year after acceptance.

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

1. The final map is hereby approved.
2. The dedications for streets and easements as shown thereon within the boundaries of said tract are hereby accepted on behalf of the public for public use.
3. The improvements completed in Loretelli Manor Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
4. The City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

5. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Municipal Code.
6. The City Clerk is further authorized to release the warranty security to guarantee improvements in the amount of \$52,033.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATTY-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-150**

**A RESOLUTION ACCEPTING THE WORK BY JAMES MICHAEL JOHNSON GENERAL ENGINEERING, INC., DBA ON GRADE CONTRACTING FOR THE "CARPENTER ROAD WATERLINE" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$509,138.35 PER THE CONTRACT**

WHEREAS, the Acting Engineering & Transportation Director has filed a report that the project titled "Carpenter Road Waterline" has been completed, in accordance with the contract agreement dated May 6, 2003,

NOW, THEREFORE, BE IT RESOLVED that the "Carpenter Road Waterline" project be accepted from said contractor, James Michael Johnson General Engineering, Inc., dba On Grade Contracting, that the notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due totaling \$509,138.35, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-151**

**A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND  
TRANSPORTATION'S AUTHORITY TO ISSUE CHANGE ORDERS ON THE  
"CARPENTER ROAD WATERLINE" PROJECT FROM \$45,811.74 (10%) TO  
\$51,309.00 (11.2%) OF THE ORIGINAL CONTRACT PRICE WITH JAMES  
MICHAEL JOHNSON GENERAL ENGINEERING, INC., DBA ON GRADE  
CONTRACTING**

WHEREAS, on May 6, 2003, the City Council awarded a \$458,117.41 contract to James Michael Johnson General Engineering, Inc., dba On Grade Contracting, to construct the "Carpenter Road Waterline" project, and

WHEREAS, the contractor started work on August 11, 2003, and the work is complete, and

WHEREAS, during the course of construction, the contractor was required to perform additional work that was not covered under the original contract, and

WHEREAS, the total cost of the extra work is \$51,020.94, an amount which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of \$45,811.74,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from \$45,811.74 (10%) to \$51,309.00 (11.2%) of the original contract price for the project entitled "Carpenter Road Waterline."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-152**

**A RESOLUTION APPROVING A \$63,807 AMENDMENT TO THE \$998,046 DMJM+HARRIS CONSULTANT CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE KANSAS-NEEDHAM OVERHEAD PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT, INCREASING THE TOTAL ESTIMATED COST OF THE SERVICES TO \$1,061,853**

WHEREAS, the City of Modesto has entered into a contract with DMJM+Harris for construction management services in conjunction with the Kansas-Needham Overhead project, and

WHEREAS, the original contract was for \$998,046, which now has a balance of \$13,314 remaining, and

WHEREAS, the project is in the plant establishment period and project close-out mode, and

WHEREAS, the construction oversight period was lengthened by items beyond the consultants' control, and

WHEREAS, DMJM+Harris is currently negotiating the remainder of the extra work and contract credit items with the contractor, and

WHEREAS, DMJM+Harris' contractual presence for change order negotiations is critical for controlling the final cost of the project, and

WHEREAS, execution of the amendment to the agreement for \$63,807 will enable DMJM+Harris to complete the project close-out process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the \$63,807 amendment to the DMJM+Harris consultant contract for construction management services associated with the Kansas-Needham Overhead project, and authorizes the City Manager to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-153

**A RESOLUTION ACCEPTING THE WORK BY GRANITE CONSTRUCTION COMPANY FOR THE "VILLAGE ONE WEST BASIN ROAD IMPROVEMENTS" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$867,207.45 PER THE CONTRACT**

WHEREAS, the Acting Engineering & Transportation Director has filed a report that the project titled "Village One West Basin Road Improvements" has been completed, in accordance with the contract agreement dated March 11, 2003,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the "Village One West Basin Road Improvements" project be accepted from said contractor, Granite Construction Company, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$867,207.45, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-154**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$62,481.25  
CONTRACT WITH FENCE SYSTEMS INC., DBA THE YARD, FOR THE  
PROJECT TITLED "BRIGGSMORE SOUND WALL – WEST OF TULLY," AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the bids received for the Briggsmore Sound Wall – West Of Tully were opened at 11:00 a.m. on February 24, 2004, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$62,481.25 received from Fence Systems Inc., dba The Yard, be accepted as the lowest responsible bid and the contract be awarded to Fence Systems Inc., dba The Yard,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$62,481.25, and hereby awards Fence Systems Inc., dba The Yard, the contract titled "Briggsmore Sound Wall – West Of Tully."

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-155**

**A RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT PROGRAM 1) TO REDUCE CIP PROJECT 2300-160-Q205, "INTERSECTION UPGRADES" BY \$29,668 AND TRANSFERRING THESE BUDGETED FUNDS FROM THE CAPITAL IMPROVEMENT FUND (2300) BACK TO THE SPECIAL GAS TAX FUND (0700) RESERVES, AND 2) TO INCREASE THE EXPENDITURE APPROPRIATION OF PROJECT MY-0700-160-L921, "BOWEN AVENUE TRAFFIC CALMING," IN THE AMOUNT OF \$29,668 OF GAS TAX RESERVE TO REFLECT THE INCREASE OF THE PROJECT'S CONSTRUCTION COSTS**

WHEREAS, at the January 14, 2003, City Council meeting, Council rejected bids for the second time and directed staff to construct "Bowen Avenue Traffic Calming," allocating \$150,000 for construction, based on the engineer's estimate, and

WHEREAS, the project had been bid two times, and each time had only one bidder; the same company, and

WHEREAS, the first bid came in at \$291,975, 112.83% over engineer's estimate in June 2002, and

WHEREAS, staff modified the plans and specifications to reduce construction costs and rebid the project. The second bid came in at \$262,258, 78.41% over engineer's estimate in January 2003, and

WHEREAS, funds for this project are budgeted in the Capital Improvement Program (CIP) project MY-0700-160-L921, "Bowen Avenue Traffic Calming." The total budget for this project including Engineering Design and Contingencies was \$171,000. Of this amount, \$21,000 was anticipated for design and routine changes, and

WHEREAS, staff proposes that the budget in project account MY-0700-160-L921 be increased by \$29,668 using special Gas Tax Fund reserves to meet the added

expenses, to match the total construction costs to \$198,894. To balance these reserves, it is proposed that revenue transferred to CIP project MY-2300-160-Q205, "Intersection Upgrades" be reduced accordingly, and

WHEREAS, the final project budget, including Engineering Design and Contingencies is now at \$219,894. Vendors were paid from the original budget and the intersection upgrade budget. This transfer is in essence to cover additional staff charges, and

WHEREAS, the Economic Development Committee discussed this item at its March 8, 2004, meeting, and concurred with staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2003-2004 Capital Improvement Program to reduce CIP Project 2300-160-Q205, "Intersection Upgrades" by \$29,668 and transferring these budgeted funds from the Capital Improvement Fund (2300) back to the Special Gas Tax Fund (0700) Reserves, and 2) to increase the expenditure appropriation of project MY-0700-160-L921, "Bowen Avenue Traffic Calming," in the amount of \$29,668 of gas tax reserve to reflect the increase of the project's construction costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-156**

**A RESOLUTION AWARDING BID AND APPROVING A \$270,193  
“INSTALLATION OF TWO TRAFFIC SIGNALS AT THE FOLLOWING  
INTERSECTIONS: OAKDALE ROAD AT MANOR OAK DRIVE AND COFFEE  
ROAD AT SYLVAN MEADOWS DRIVE” CONSTRUCTION CONTRACT  
WITH TIM PAXIN’S PACIFIC EXCAVATION, INC., FOR THE PROJECT  
ENTITLED “INSTALLATION OF TWO TRAFFIC SIGNALS AT THE  
FOLLOWING INTERSECTIONS: OAKDALE ROAD AT MANOR OAK DRIVE  
AND COFFEE ROAD AT SYLVAN MEADOWS DRIVE”**

WHEREAS, the bids received for the “Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive” project were opened at 11:00 a.m., on February 24, 2004, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$270,193 received from Tim Paxin’s Pacific Excavation, Inc., be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for “Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive” project to Tim Paxin’s Pacific Excavation, Inc., and approves a \$270,193 contract for completion of said project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: R. J. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-157**

**A RESOLUTION FINDING THAT THE “INSTALLATION OF TWO TRAFFIC SIGNALS AT THE FOLLOWING INTERSECTIONS: OAKDALE ROAD AT MANOR OAK DRIVE AND COFFEE ROAD AT SYLVAN MEADOWS DRIVE” PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (MEIR), SCH NO. 1999082041**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final MEIR, SCH No. 1999082041, for the Modesto Urban Area General Plan, and

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

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 2002-27, reviewed and proposed “Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive” Project, which determines that the proposed project is within the scope of the project covered by the MEIR, that the proposed project will have no additional, significant effect on the environment that was not identified in the MEIR, and that no new or additional mitigation measures or alternatives may be required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed “Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at

Manor Oak Drive and Coffee Road at Sylvan Meadows Drive” Project, a copy of which is attached hereto as **Exhibit “A”**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

- A. The proposed Project is consistent with the City of Modesto General Plan and is within scope of the project covered by the General Plan Final MEIR (SCH No. 1999082041).
- B. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the General Plan MEIR are required.
- C. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the General Plan MEIR are required.
- D. There is no new information of substantial importance which was known and could not have been known with the exercise of reasonable diligence when the General Plan MEIR was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the General Plan MEIR; or,
  - b. significant effects which were previously examined will be substantially more severe than previously shown; or,

- c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
- d. mitigation measures or alternatives which are considerably different from those analyzed in the General Plan MEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a Notice of Approval within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

City of Modesto  
Initial Study

INSTALLATION OF NEW TRAFFIC SIGNALS  
AT TWO INTERSECTIONS:  
OAKDALE ROAD AT MANOR OAK DRIVE  
COFFEE ROAD AT SYLVAN MEADOWS DRIVE

E.A./E.T. No: 2002-27

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 199082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

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

II. PROJECT DESCRIPTION

A. Project Title:

Installation of Two New Traffic Signals at the Intersections of Oakdale Road at Manor Oak Drive, and Coffee Road at Sylvan Meadows Drive ("Project")

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:

Steven Liu, Engineering and Transportation Department, (209) 577-5297

D. Project Locations:

At Two (2) Intersections at:

- Oakdale Road and Manor Oak Drive
- Coffee Road and Sylvan Meadows Drive

E. Project Sponsor:

City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

Location 1: Oakdale Road at Manor Oak Drive – MU (Mixed Use)

Location 2: Coffee Road at Sylvan Meadows Drive – MU (Mixed Use)

G. Zoning:

Location 1: Oakdale Road at Manor Oak Drive – PD (Planned Development), R3 (Medium High Density Residential), and C1 (Neighborhood Commercial).

Location 2: Coffee Road at Sylvan Meadows Drive – PD (Planned Development).

H. Description of Proposed Project:

The City is proposing to construct two new traffic signals at the intersections of Oakdale Road and Manor Oak Drive, and Coffee Road and Sylvan Meadows Drive. Currently, both locations have stop controls on the minor approaches. Oakdale Road is a major arterial with a posted speed limit of 40 mph at the site vicinity. Oakdale is currently carrying approximately 32,000 vehicular traffic per day. Coffee is a minor arterial at Sylvan Meadows with 40 mph speed limit, which is carrying a daily traffic about 16,700.

The proposed new traffic signals will help reduce stopping delay, increase traffic safety, and result in a reduction in air pollution. The proposed signal project will include pedestrian phasing and crosswalks, vehicle detection, and other typical improvements associated with traffic signal installation. Both signals will be coordinated with existing coordination plans on the major streets.

I. Surrounding Land Uses:

The project is located at developed areas in town as follows.

Location 1: Oakdale Road at Manor Oak Drive – PD (Planned Development), R3 (Medium High Density Residential), and C1 (Neighborhood Commercial).

Location 2: Coffee Road at Sylvan Meadows Drive – PD (Planned Development), R2 (Medium Density Residential), and PO (Professional Office).

J. Other Public Agencies Whose Approval is Required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The proposed Installation of Two New Traffic Signals Project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

C. Generation of Noise

The Project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

The proposed new traffic signals will be located in developed areas outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

The proposed Project includes traffic signal related improvements, and will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13) are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed Project includes traffic signal related improvements, and will create no additional demand for sewer capacity not identified in the MEIR. The Existing

Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed new traffic signals will be located in developed areas and not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.

K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.

L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

Because the Project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the Project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the

MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are, therefore, still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed Installation of Two New Traffic Signals Project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the Project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the Project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the Project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

L. Steven Liu  
Assistant Traffic Engineer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-158**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM BUDGET 1) TO INCREASE THE EXPENDITURE APPROPRIATION OF MY-2300-160-N498 TO REFLECT THE INCREASE OF CONSTRUCTION COSTS BY AN APPROPRIATION TRANSFER FROM MY-1410-160-M194 "GROWTH RELATED NEW TRAFFIC SIGNALS" IN THE AMOUNT OF \$64,000**

WHEREAS, on February 24, 2004, the City Council received bids for a project titled, "Installation of Two Traffic Signals at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" Account No. MY-2300-160-N498, and

WHEREAS, the acceptable low bidder was Tim Paxin's Pacific Excavation, Inc., of Elk Grove, California, with a bid of \$270,193, and

WHEREAS, the City has obtained CMAQ funding to pay for up to \$247,883, of the project costs and the remaining portion will be appropriated from CFF account MY-1410-160-M194, "Growth Related New Traffic Signals," and

WHEREAS, \$64,000 in additional local matching funds is required to fully fund the construction of this project, and

WHEREAS, there are sufficient funds in the CFF account MY-1410-160-M194, "Growth Related New Traffic Signals," to fully fund 2300-160-N498,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the CIP budget is hereby amended to increase the expenditure appropriation of MY-2300-160-N498 to reflect the anticipated increase of the construction costs in the amount of \$64,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-159**

**A RESOLUTION APPROVING THE MARCH 12<sup>TH</sup> INSTALLATION OF AN ALL-WAY STOP ON JEFFERSON STREET AT VINE STREET. FUNDS ARE BUDGETED IN ACCUNT NOS. 0700-480-4622-0110 "SALARIES & WAGES REGULAR AND 0700-480-4622-0360 "REAL PROPERTY MAINTENANCE & REPAIR SUPPLIES"**

WHEREAS, staff received a request from neighbors to install an all-way stop on Jefferson Street at Vine Street, and

WHEREAS, the neighbors were concerned with safety at this intersection, and

WHEREAS, after review of the collision rate and recognizing the location is near a high school, staff proceeded to install an all-way stop sign on March 12th at this location due to the need for immediate action, and

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

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

WHEREAS, the Economic Development Committee at its March 8, 2004, meeting reviewed and approved the installation of an all-way stop, as requested by the neighbors,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the March 12<sup>th</sup> installation of an all-way stop on Jefferson Street at Vine Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

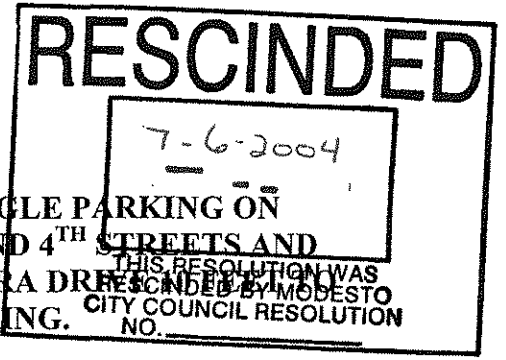
  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
MICHAEL D. MILICH, CITY ATTORNEY

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-160



**A RESOLUTION APPROVING INSTALLATION OF ANGLE PARKING ON THE NORTH SIDE OF SIERRA DRIVE BETWEEN F AND 4<sup>TH</sup> STREETS AND SHIFTING OF THE EXISTING CENTERLINE OF SIERRA DRIVE TO THE SOUTH TO ACCOMMODATE THE ANGLE PARKING.**

2004-333

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council by resolution to establish angle parking in the City of Modesto, and

WHEREAS, the City of Modesto Parks, Recreation and Neighborhoods Department is planning to begin construction soon to remodel and expand the existing Maddux Youth Center at 615 Sierra Drive, and

WHEREAS, the proposed building addition will nearly double the size of the existing structure and will provide a new multi-purpose room, computer classroom and Police Activities League boxing facility, and

WHEREAS, by Agenda Report dated March 15, 2004, from the Parks, Recreation and Neighborhoods Department, City staff recommended the installation of angle parking on the north side of Sierra Drive between F and 4<sup>th</sup> Streets, and

WHEREAS, the entrance to the “new” youth center will be moved from “F” Street to Sierra Drive, and will lead through a trellised entry to a new reception/lobby area, and

WHEREAS, to enhance the vehicle parking supply at the youth center, the City proposes to install angle parking along Sierra Drive, commencing about 200-feet east of Sunset Avenue and ending about 100-feet west of Fourth Street, and

WHEREAS, the proposed parking will require the shifting of the existing centerline of Sierra Drive between Fourth Street and "F" Street, and

WHEREAS, Sierra Drive is 66 feet wide and can accommodate the angle parking and the shifting of the road centerline, and

WHEREAS, the adjustment of the centerline will actually improve the alignment of Sierra Drive across the "F" Street intersection, and

WHEREAS, the proposed plan would increase the existing parking on the north side of Sierra Drive between "F" and 4<sup>th</sup> Streets from 31 parallel spaces to 35 angle and 9 parallel, for a new total of 44 spaces, and

WHEREAS, the Economic Development Committee met on March 8, 2004, and supported the recommendation to install angle parking on the north side of Sierra Drive between F and 4<sup>th</sup> Streets and to shift the existing centerline of Sierra Drive 10 feet to the south to accommodate the angle parking,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the installation of angle parking on the north side of Sierra Drive between F and 4<sup>th</sup> Streets and shifting of the existing centerline of Sierra Drive 10 feet to the south to accommodate the angle parking.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: M. D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-161**

**A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH #2004022070), FINDINGS, AND A MITIGATION MONITORING PLAN FOR THE NEIGHBORHOOD CENTER AT MARSHALL PARK.**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH # 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified an Update to the Master EIR (SCH # 19990820) for the Modesto Area General Plan, and

WHEREAS, Sections 15070 to 15073 of the CEQA Guidelines relating to Initial Study/Mitigated Negative Declaration permits a lead agency to prepare an Initial Study/Mitigated Negative Declaration on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, the Parks, Recreation and Neighborhoods Department proposes to construct the Neighborhood Center at Marshall Park (“Project”) which consists of a joint service facility and amenities at an existing neighborhood park to house a fire station, a Police Area Command Office and new recreation offices, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, prepared an Initial Study (Environmental Assessment EA/PR&N No. 2003-06), dated January 22, 2004 (“IS”), which reviewed the proposed Project pursuant to Section 21157.5 of the Public Resources Code to analyze whether the proposed project is within the scope of the Master Environmental Impact Report, and

WHEREAS, feasible mitigation measures were incorporated to revise the subsequent project before the Initial Study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effect on the environment will occur, and

WHEREAS, the IS lead to the preparation, circulation and posting, pursuant to Sections 15070 and 15105 of the CEQA Guidelines, of an Initial Study / Environmental Assessment EA/PR&N 2003-07 and a Mitigated Negative Declaration / Finding of No Significant Impact, dated January 22, 2004, (SCH# 2004022070) ("IS/MND"), a copy of which is on file in the City Clerk's Office, and

WHEREAS, the IS/MND was released for public review and comment for the required 30-day period beginning on February 12, 2004, and ending on March 15, 2004, and

WHEREAS, no comments were submitted in response to the proposed IS/MND which would require a revision of the proposed IS/MND, and

WHEREAS, Findings Approving a Mitigated Negative Declaration and Adopting Mitigation Measures as Performance Standards and Design Criterion for the Neighborhood Center at Marshall Park have been prepared and are attached hereto as **Exhibit A**, and

WHEREAS, in a public hearing on March 23, 2004, the City Council considered the IS/MND for the proposed construction of the Neighborhood Center at Marshall Park, together with all comments received during the public review and circulation period and responses thereto, if any,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Environmental Assessment EA/PR&N 2003-06 and the Mitigated Negative Declaration/Finding of No Significant Impact (SCH# 2004022070) ("IS/MND") for the proposed Project, a copy of which is on file in the Parks,

Recreation and Neighborhoods Department, together with all comments received during the public review and circulation period, and based on the substantial evidence included in said IS/MND makes the following findings:

1. An IS/MND has identified potentially significant effects on the environment from the proposed project that were not analyzed in the Master EIR. These additional significant environmental effects are potential impacts to Traffic; Noise; Drainage, Flooding and Water Quality; and Storm Drainage.

2. Feasible mitigation measures or alternatives were incorporated to revise the proposed subsequent project, before the IS/MND were released for public review in order to avoid or mitigate the potential effects to a point where clearly no significant effect on the environment will occur.

3. There is no substantial evidence in light of the whole record before the public agency that the proposed project, as revised, may have a significant effect on the environment.

4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070-15073 for the proposed Neighborhood Center at Marshall Park Project.

5. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above and below have been added to the project. A Mitigated Negative Declaration will therefore be adopted.

6. The cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan and the Update to the Master EIR. All

appropriate mitigation measures from the Master EIR and Update to the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

7. City Council hereby adopts the Findings attached hereto as Exhibit A, which provide substantial evidence to support the findings 1 through 6, above.

8. As required by CEQA Section 21081.6 et seq., a mitigation monitoring program will be, and hereby is adopted as set forth in Exhibit B attached hereto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts the Initial Study/Environmental Assessment EA/PR&N 2003-06 and the Mitigated Negative Declaration/Finding of No Significant Impact (SCH# 2004022070) for the proposed construction of the Neighborhood Center at Marshall Park by the City of Modesto, a copy of which is on file with the City Clerk's Office, and hereby designates the Parks Planning and Development Services Division of the Parks, Recreation and Neighborhoods Department as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Department of Parks, Recreation and Neighborhoods, 1010 Tenth Street, Suite 4400, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Clerk is hereby authorized and directed to file a Notice of Determination with the County Clerk's Office within five (5) working days of the date of this determination, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

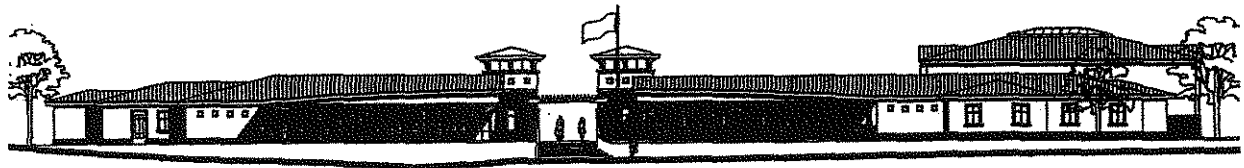
APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# NEIGHBORHOOD CENTER AT MARSHALL PARK

DRAFT  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

---



Prepared for:

**CITY OF MODESTO**  
**RECREATION AND NEIGHBORHOODS DEPT.**  
**1010 TENTH STREET, STE. 4400**  
P. O. Box 642  
Modesto, CA 95353

Prepared by:

**PMC**  
  
PACIFIC MUNICIPAL  
CONSULTANTS

**FEBRUARY 2004**

## TABLE OF CONTENTS

<b>Introduction and Project Summary</b> .....	2
<b>Description of Project</b> .....	3
<b>Environmental Checklist</b> .....	11
I.    Traffic and Circulation Needs .....	12
II.   Degradation of Air Quality.....	15
III.  Generation of Noise .....	19
IV.   Loss of Productive Agricultural Land .....	21
V.    Increased Demand for Water Supplies.....	22
VI.   Increased Demand for Sanitary Sewer.....	23
VII.  Loss of Sensitive Wildlife and Plant Habitat .....	24
VIII. Disturbance of Archaeological or Historical Sites .....	26
IX.   Drainage, Flooding and Water Quality.....	28
X.    Increased Demand for Storm Drainage.....	31
XI.   Increased Demand for Parks and Open Space.....	32
XII.  Increased Demand for Schools.....	33
XIII. Increased Demand for Police .....	34
XIV.  Increased Demand for Fire Services .....	35
XV.   Generation of Solid Waste .....	35
XVI.  Generation of Hazardous Materials .....	36
XVII. Landslides and Seismic Activity .....	39
XVIII. Energy .....	41
XIX  Aesthetics .....	42
XX.  Mandatory Findings of Significance.....	43
XXI.  Determination.....	44

### Exhibits

Exhibit A:	Air Quality Impact Evaluation
Exhibit B:	Biological Resources Report
Exhibit C:	Archaeological Inventory Survey
Exhibit D:	Storm Water and Drainage

### Figures

1	Regional Map .....	4
2	Project Location Map.....	5
3	Project Area Zoning and Aerial .....	6
4	Selected Photographs of Existing/Adjacent Land Uses .....	7
5	Schematic Site Plan .....	8
6	Schematic Floor Plan .....	9
7	Building Elevations .....	10

### Attachments

A:	Environmental Assessment
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**INITIAL STUDY AND FINDINGS  
DRAFT MITIGATED NEGATIVE DECLARATION**

**PROPOSED DESIGN AND DEVELOPMENT OF THE NEIGHBORHOOD CENTER AT MARSHALL  
PARK**

**EA/PR&N – 2003– 06  
January 22, 2004**

**1. Purpose of Initial Study:**

Section 15177 of the CEQA Guidelines allows for limited environmental review of subsequent projects under a General Plan Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 1999082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 15177 of the CEQA Guidelines, analyzes:

- A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
- B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
- C. Whether the proposed project is described within the scope of the General Plan Master EIR.

**2. Project Title:**

Neighborhood Center at Marshall Park

**3. Lead agency name and address:**

City of Modesto, P.O. Box 642, Modesto, CA 95353  
(Responsible Agency) Recreation and Neighborhoods Department  
1010 Tenth Street, Suite 4400, P.O. Box 642, Modesto, CA, 95353

**4. Contact person and phone number:**

Robert J. Ford, Project Coordinator, Parks, Recreation and Neighborhoods Department,  
(209) 577-5437 email: [bford@modestogov.com](mailto:bford@modestogov.com)

**5. Project location:**

The proposed project is located in the southwestern portion of the City of Modesto in north-central Stanislaus County, California (please see **Figures 1** and **2**). As proposed, the Neighborhood Center at Marshall Park would occupy 1 acre of the existing 6.81-acre James Marshall Neighborhood Park located at 440 Sutter Avenue (at the southwest corner of Sutter and Chicago Avenues). (APN #: 033-022-001)

**6. Project sponsor's name and address:**

City of Modesto  
Parks, Recreation and Neighborhoods Department  
P.O. Box 642, Modesto, CA 95353

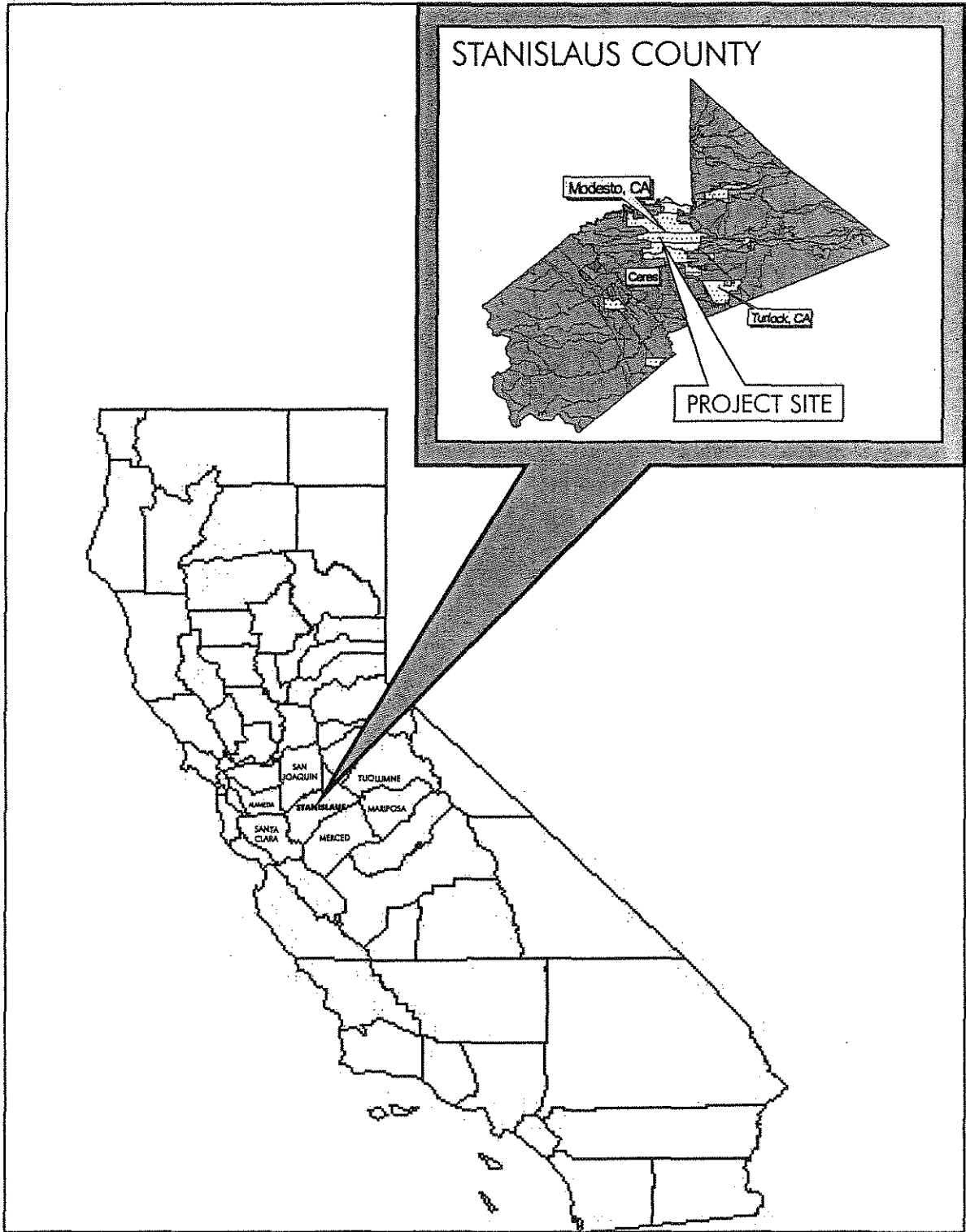


FIGURE 1  
REGIONAL MAP

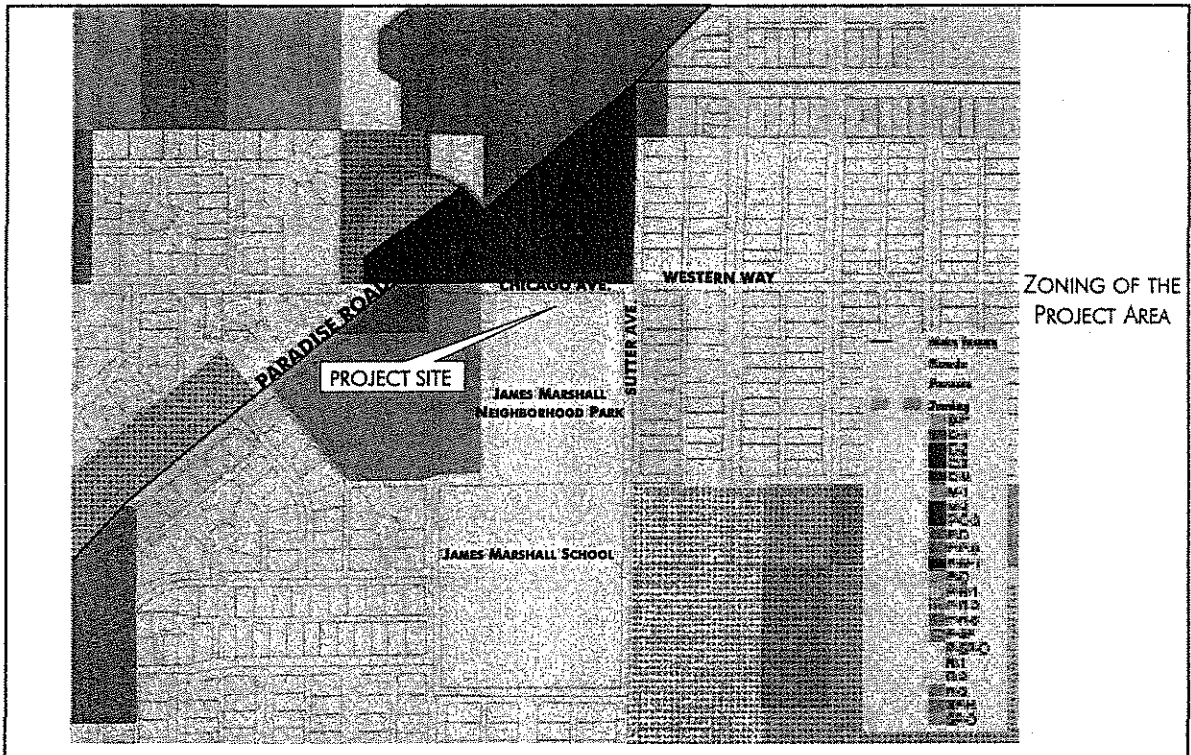


FIGURE 3  
PROJECT AREA ZONING AND AERIAL



FIGURE 5  
SCHEMATIC SITE PLAN



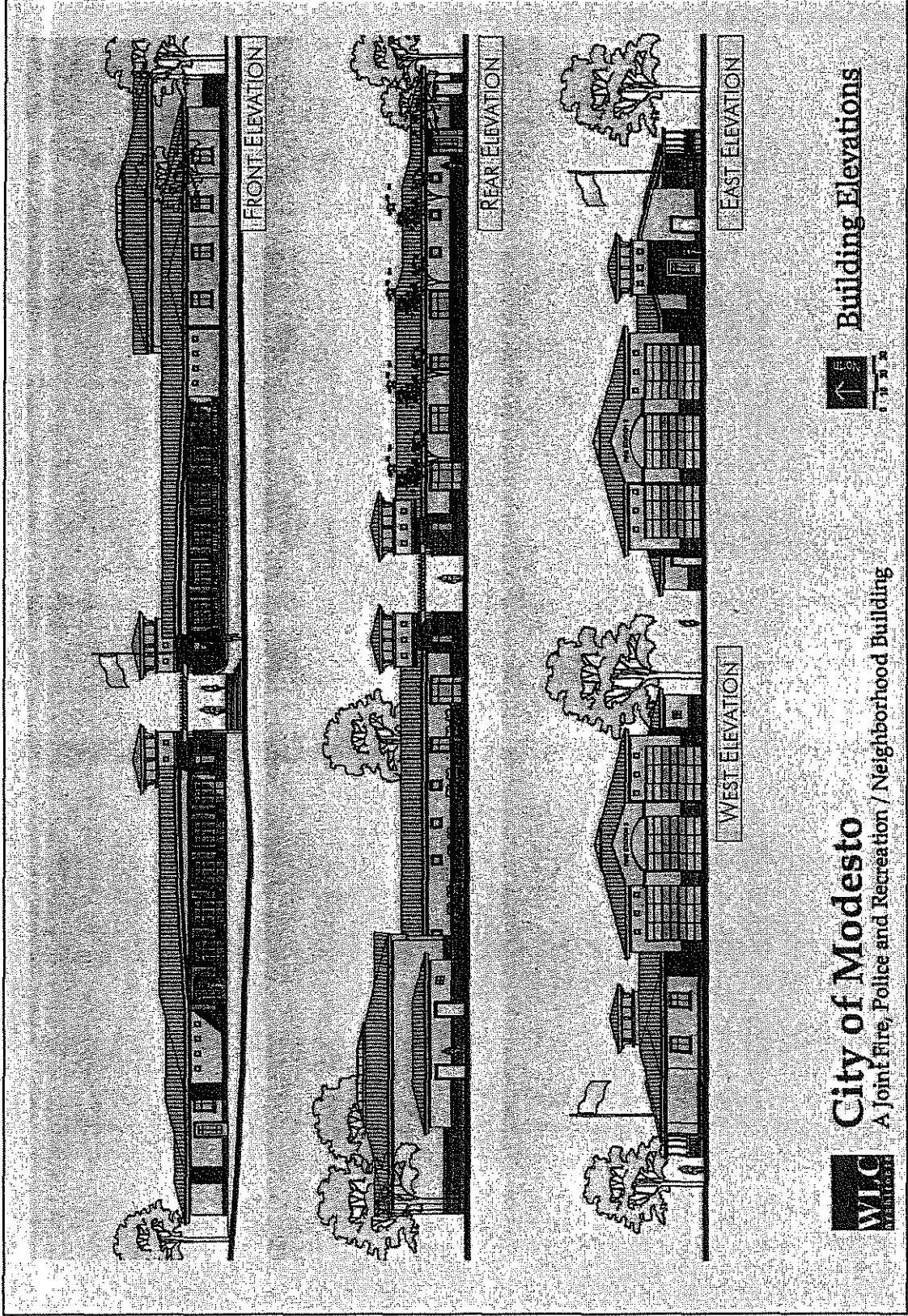


FIGURE 7  
BUILDING ELEVATIONS



SOURCE: CITY OF MODESTO / WLC ARCHITECTS

**EVALUATION OF ENVIRONMENTAL IMPACTS:  
FOR A PROPOSED SUBSEQUENT PROJECT TO GENERAL PLAN MASTER EIR**

The following sections evaluate the proposed subsequent project to the City's General Plan Master EIR pursuant to CEQA Section 21157.1 (b) whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report, and, if so, make a determination pursuant to Section 21157.5 which requires a mitigated negative declaration to be prepared for a proposed subsequent project if both of the following occur:

- (1) An initial study has identified potentially new or additional significant effects on the environment that were not analyzed in the master environmental impact report.
- (2) Feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project, before the negative declaration is released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

The following analysis is based on Exhibit G of the CEQA Guidelines and adapted to reflect the eighteen environmental subject areas in the City of Modesto's General Plan Master EIR.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**I. TRAFFIC AND CIRCULATION NEEDS** – Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- c) The Neighborhood Center at Marshall Park is proposed to be constructed inside the existing James Marshall Neighborhood Park, and will be served by the same roadway system as the existing James Marshall Neighborhood Park, as adopted in the General Plan. As a result, the project would have no impact resulting in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks that has not already been addressed in the MEIR.
- d) The Neighborhood Center at Marshall Park will be served by the same roadway system as the existing James Marshall Neighborhood Park, as adopted in the General Plan. The response driveway accessing Sutter Street will be managed in accordance with typical Fire Code and Fire Department standards resulting in a less than significant impact in substantially increasing hazards due to a design feature.
- e) The Neighborhood Center at Marshall Park will be served by the same roadway system as the existing James Marshall Neighborhood Park, as adopted in the General Plan. The design of the park is such that access is provided for emergency vehicles along the paths throughout the park. The response driveway accessing Sutter Street will be managed in accordance with typical Fire Department standards. Parking lots accessed from Chicago Avenue have been designed to provide for proper emergency access. There would be no impact that would result in inadequate emergency access.

As a part of the development of the Neighborhood Center at Marshall Park, the following provision shall be incorporated into the design:

- MM1.1.1** Keep Clear Zone – Prior to final project approval, the project site plan shall locate a “Keep Clear Zone” where the response driveway accesses Sutter Street. The “Keep Clear Zone” shall conform to applicable City Standards.

*Timing/Implementation: Prior to final project approval.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

- f) Construction plans show two new parking lots to be added, adjacent to and accessed by Chicago Avenue. The larger of the two lots, to the west, will provide 23 new parking spaces and will serve park and facility visitors. The lot to the east will add 10 more spaces serving Neighborhood Center at Marshall Park Staff. Therefore, there would be no impact that would result in inadequate parking capacity.
- g) This project would locate a fire response driveway accessing Sutter Street approximately 60 feet south of its intersection with Chicago Avenue. There is currently a covered Modesto Area Express (MAX) bus stop along Sutter Street (Route 21) at or very near the space proposed to be used for the new fire response driveway. The bus stop would be relocated but would remain as close as feasible to its current location. Therefore, there would be no impact that would conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).

As a part of the development of the Neighborhood Center at Marshall Park, the following provision shall be incorporated into the design:

The project site is located in the San Joaquin Valley Air Basin (SJVAB), defined by the Sierra Nevada in the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. Under the federal Clean Air Act, the San Joaquin Valley Air Basin is a non-attainment area for ozone and PM<sub>10</sub> (particulate matter, ten micron or less). The San Joaquin Valley Unified APCD's *PM<sub>10</sub> Attainment Demonstration Plan* (PM<sub>10</sub> ADP) was recently withdrawn and work is proceeding on a revised attainment plan (there is no state PM<sub>10</sub> plan). The federal regional ozone plan is the *1994 Ozone Attainment Demonstration Plan* (OADP) and *Amended 2002 and 2005 Rate of Progress Plan*. The state-mandated ozone attainment plan is the *California Clean Air Act Triennial Progress Report and Plan Revision 1997-1999*.

The General Plan Master EIR requires that the San Joaquin Valley Unified Air Pollution Control District review all discretionary projects for air quality impacts. Since traffic impacts are no greater than those anticipated in the General Plan Master EIR, the proposed project would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. Temporary air quality degradation during construction and development of the site is expected, and controls will be established to reduce these impacts. The Final General Plan Master EIR introduces two new mitigation measures to be implemented by the City of Modesto to reduce PM<sub>10</sub> impacts caused by construction. Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) remain valid as discussed below. In an effort to further protect air quality, the City of Modesto has added two new PM<sub>10</sub> Control measures found on pages V-2-24 and V-2-25 (AQ-1 through AQ-18) of the General Plan Master EIR.

#### **Discussion:**

- a) Under the existing applicable air quality plan(s), a project would be judged to conflict with implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled. A project would obstruct implementation of the regional air quality plan if it would interfere with implementation of the Transportation Control Measures contained in the plans. Construction of the Neighborhood Center at Marshall Park would not generate significantly greater traffic than what is anticipated in the General Plan Master EIR, as discussed in the Traffic and Circulation section of this Initial Study. The project would not conflict with any of the growth assumptions made in the preparation of these plans nor obstruct implementation of any of the proposed control measures contained in these plans. The mitigation measures defined in the General Plan Master EIR will be implemented with a Mitigation Monitoring Program to minimize air quality impacts. Therefore, there would be no impact to conflict with or obstruct the implementation of the San Joaquin Valley Unified Air Pollution Control District air quality plan.

**MM 1.2.1** The following City of Modesto Master EIR policies AQ-1 through AQ-18 shall be implemented to reduce PM<sub>10</sub> emission impacts:

- a. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM<sub>10</sub>. The following controls are required to be implemented at all construction sites:
1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
  2. All on-site unpaved roads and off-site unpaved roads access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

(Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation).

*Timing/Implementation: Upon commencement of grading and construction activities.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

- b) The SJVUAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The San Joaquin Valley Unified Air Pollution Control District regulates construction emissions through its Regulation VIII. Regulation VIII requires a formal dust control plan, and violations of the requirements of Regulation VIII are subject to enforcement action. The provisions of Regulation VIII pertaining to construction activities require:
- Effective dust suppression for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.
  - Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
  - Control of fugitive dust from on-site unpaved roads and off-site unpaved access roads.
  - Removal of accumulations of mud or dirt at the end of the work day or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site.
- Project compliance would lead to no significant impact that would result in the violation of any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) The SJVUAPCD's Guide for Assessing and Mitigating Air Quality Impacts identifies types and sizes of projects that have no possibility of exceeding the District's ozone precursor thresholds of significance. This project size is 57,000 square feet for a government civic center project, or 23,000 square feet for a government office building. As proposed, the project is 13,000 square feet, and therefore well below either of these minimum sizes, meaning the project would have a less than significant impact and would have no possibility of exceeding the District's ozone precursor thresholds of significance.
- d) The project would not regularly release any toxic air contaminants. Area source emissions from on-site would be limited to emissions from combustion of natural gas for space and water heating. Project vehicle trip generation would not have the potential to cause an exceedance of the state or federal ambient air quality standards for carbon monoxide. Therefore the project would have a less than significant impact in exposing sensitive receptors to substantial pollutant concentrations.
- e) Various diesel-powered vehicles and equipment in use on the site would create odors during construction. These odors are temporary and not likely to be noticeable to sensitive receptors much beyond construction boundaries. There would be no operational sources of odors associated with the project. Therefore the project would have a less than significant impact on odors affecting a substantial number of people.

the emergency vehicles move away. However, noise generation associated with this project is exempted under Chapter 4 of Title 4 of the City of Modesto Municipal Code (Chapter 9 NOISE REGULATION, 4-9.104 Exemptions, (a), (b), and (d)). Therefore, the project will result in no significant impact to in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

- b) Groundborne vibration or groundborne noise generation can be expected to slightly increase with the added presence of emergency service vehicles such as fire engines and police vehicles. Equipment and apparatus that support the emergency service substations may also contribute to groundborne vibration or noise, but are not generally anticipated to be significant. However, groundborne vibration or groundborne noise generation associated with this project is exempted under Chapter 4 of Title 4 of the City of Modesto Municipal Code (Chapter 9 NOISE REGULATION, 4-9.104 Exemptions, (a), (b), and (d)). Therefore, the project will result in no significant impact to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
- c) Daily operations associated with the project are not anticipated to consistently generate noise levels beyond what is already provided for in the MEIR in the James Marshall Neighborhood Park setting. However, generation of ambient noise may increase, with periodic temporary noise increases due to use of emergency service vehicles and sirens. Noise generation associated with emergency services would be exempted under Chapter 4 of Title 4 of the City of Modesto Municipal Code (Chapter 9 NOISE REGULATION, 4-9.104 Exemptions, (a), (b), and (d)). Therefore, the project will result in no significant impact that would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- d) Noise generation associated with this project is exempted under Chapter 4 of Title 4 of the City of Modesto Municipal Code (Chapter 9 NOISE REGULATION, 4-9.104 Exemptions, (a), (b), and (d)). Noise related to construction activities is addressed in the City of Modesto Municipal Code (Section 4-9.101), which limits construction-type activities to the hours of 7:00AM to 9:00PM on weekdays and to the hours of 9:00AM to 9:00PM on weekends and holidays. Project compliance would lead to there being a less than significant impact in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- e) Because the proposed Neighborhood Center at Marshall Park would be located outside the noise contour of the Modesto City-County Airport, (Figure 3-2 MEIR) as analyzed in the General Plan Master EIR, its development would result in no impact to an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and the project would not expose people residing or working in the project area to excessive noise levels.
- f) Because the proposed Neighborhood Center at Marshall Park would be located in the Redevelopment Planning District of the General Plan, where there are no private airstrips, and it was analyzed in the General Plan Master EIR, its development would result in no impact to a private airstrip, nor would the project expose people residing or working in the project area to excessive noise levels.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**V. INCREASED DEMAND FOR WATER SUPPLIES - Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:**

- a) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- b) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?

The City of Modesto adopted the following significance standard in the adopted General Plan Master EIR:

The Urban Area General Plan will have a significant impact on long-term water supplies if development will result in water demand that exceeds the capacity for recharge or that will contribute to overdraft of the groundwater basins. (page V-5-11)

It is not anticipated that the proposed 13,000 square foot municipal service center could generate a demand that would approach this criteria. In addition, the facility would be located in an area already adequately serviced by existing water infrastructure and facilities. And, because integration of a municipal services facility into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, the project would be consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13) remain valid as discussed below.

**Discussion:**

- a) Because construction of the proposed Neighborhood Center at Marshall Park would not result in a significant increase in water demand within the developed James Marshall Neighborhood Park, there would be no impact to water supplies available to serve the project from existing entitlements and resources, and no new or expanded entitlements would be needed.
- b) Because construction of the proposed Neighborhood Center at Marshall Park would not result in a significant increase in water demand within the developed James Marshall Neighborhood Park, there would be no impact to any requirement or need for the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

facilities that contribute to sewer demand are few and in aggregate would not produce an increase that would exceed the capacity of the existing system. It is expected that project development will deliver a determination by the wastewater treatment provider serving the project (City of Modesto) that it has adequate capacity to serve the project's projected demand.

- b) Because new facilities proposed in the Neighborhood Center at Marshall Park that contribute to sewer demand are few and in aggregate would not produce an increase that would exceed the capacity of the existing system as outlined in the City of Modesto Urban Area General Plan, the project would not generate increased demand for sanitary sewer services over what was assumed in the General Plan Master EIR. Therefore, the project would result in no significant impact to wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- c) Because new facilities proposed in the Neighborhood Center at Marshall Park that contribute to sewer demand are few and in aggregate would not produce an increase that would exceed the capacity of the existing system as outlined in the City of Modesto Urban Area General Plan, the project would not generate increased demand for sanitary sewer services over what was assumed in the General Plan Master EIR. Therefore, the project would result in no significant impact to a requirement for or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

VII. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT - Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

- c) As described in the Project Description of the document there are no water features on the project site, and therefore no wetlands or other waters of the U.S. occur in the project study area. Since there are no wetlands in the project area, the construction of the Neighborhood Center at Marshall Park will have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d) The project site does not contain sensitive habitat, a riparian corridor, or any water features, and therefore construction of Neighborhood Center at Marshall Park would have no impact on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) The proposed project includes uses that are consistent with the standards set by the City of Modesto Urban Area General Plan, which is consistent with what was analyzed in the General Plan Master EIR. Further, the City of Modesto does not currently have a Tree Protection Ordinance in place. The only local ordinance or policy that would protect biological resources is the General Plan and the subsequent MEIR. As the Neighborhood Center at Marshall Park is not located in area determined to be Sensitive Biological Habitat as defined by the General Plan, and the development of the service center is consistent with the General Plan Park Standards for a Neighborhood Park, it can be concluded that there will be no impact or conflict with any local policies or ordinances protecting biological resources.
- f) The proposed project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore there is no impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**VIII. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES - Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:**

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates

substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

**MM 1.8.1** In the event that any prehistoric or historic subsurface cultural resource is discovered during construction-related activity, all work within 50 feet of the resource shall be halted. The City shall consult with a qualified archaeologist to assess the significance of the find. If any find were determined to be significant by the qualified archaeologist, then the City, the developer and the archaeologist would meet to determine the appropriate course of action. Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter. If Native American resources are involved, Native American organizations and individuals recognized by the City shall be notified and consulted regarding any plans for treatment.

*Timing/Implementation: Upon commencement of project construction activities.*

*Enforcement/Monitoring: City of Modesto Planning Department*

- c) As indicated in the discussion above, this area has no known archaeological sites within the project area. Based on the intensive field survey of the Neighborhood Center at Marshall Park conducted on June 7, 2003, it was concluded that there is no impact above what has already been studied in the MEIR, to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- d) As indicated in the discussion above, this area has no known archaeological sites within the project area. The Management Summary of the Archaeological Resources Inventory states that "[i]f human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.8. Therefore, with the existing General Plan mitigation measures in place, it can be concluded that there is no impact, above what has already been studied in the MEIR, to disturb any human remains, including those interred outside of formal cemeteries.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**IX. DRAINAGE, FLOODING AND WATER QUALITY - Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:**

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the land uses or planned uses for which permits have been granted)?

- b) It is not anticipated that the proposed 13,000 square foot facility would substantially deplete groundwater supplies or interfere substantially with groundwater recharge. In addition, the integration of a municipal services facility into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. Therefore, the project would result in a less than significant impact to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- c) Although the project will require some grading on the site, after incorporation of design mitigations described in **Exhibit D**, the existing drainage patterns of the site or area will not significantly change. Therefore, the project would result in an impact that would be less than significant with mitigation incorporated (MM 1.9.1) to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- d) Generally, integration of a municipal services facility into a park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. In addition, the design mitigations described below would reduce impacts associated with the project would result in a less than significant impact to create or contribute runoff water which would exceed the capacity or existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

**MM 1.9.1** As a part of the development of the Neighborhood Center at Marshall Park, the following drainage provisions shall be incorporated into the grading and drainage design:

1. *Elevate Buildings* – Since the site is located in a portion of the City that is not served by positive storm drain facilities, the building pads shall be elevated a minimum of 1.0 feet above the adjacent top of curb elevations for Chicago Avenue and Sutter Avenue in conformance with City Standards.
2. *Grading* – The proposed site buildings and contiguous development features on the south side of the buildings should drain to the rear (south) and into the interior of the existing park towards the existing low-lying area. The south portion of the staff and visitor parking area in the northwest portion of the proposed development should also drain to the interior of the existing park, around the west edge of the proposed police/recreation office building. The north portion of the staff and visitor parking area and the fire department yard/staff parking may drain to Chicago Avenue along the north frontage. The fire department response driveway and portions of contiguous landscaping may drain to Sutter Avenue along the east frontage.
3. *Rock Well* – Runoff increases created by the portions of the Neighborhood Center at Marshall Park development that are recommended to drain to the low-lying area within the interior of the park may be sufficient to warrant the installation of a new rock well near the existing rock well to improve drainage. The need for a new rock well may be determined by the City, based on an interpretation of any prior maintenance issues.
4. *Stormwater Quality Control Measures* – The site development shall include stormwater quality control measures that conform with the requirements set forth in the City policy document entitled "Guidance Manual for New Development Stormwater Quality

Construction of the Neighborhood Center at Marshall Park will increase rates of runoff production compared with the existing condition. There is existing curb and gutter along the northern perimeter of the site, at Chicago Avenue. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are still valid for the reasons discussed below.

**Discussion:**

- a) The incorporation of paved surfaces and vehicle parking on the site may produce impacts to downstream stormwater quality if not mitigated, due to the potential introduction of petroleum hydrocarbons, oil and grease into storm runoff. This potential shall be appropriately mitigated as a part of site development (as detailed above in Section VIII DRAINAGE, FLOODING AND WATER QUALITY). The overall rates and volumes of runoff production that will drain to adjacent streets and leave the site are considered to be less than significant with mitigation incorporation (See MM 1.9.1).

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**XI. INCREASED DEMAND FOR PARKS AND OPEN SPACE - Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

This proposed project consists of constructing a joint municipal services facility (and amenities) inside the existing James Marshall Neighborhood Park. Integration of a municipal services facility into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and therefore the project would be consistent with buildout scenarios examined by the Urban Area General Plan Master EIR.

As proposed, the Neighborhood Center at Marshall Park would occupy 1 acre in the northeast portion of the existing 6.81-acre park. No recreation facilities will be removed in association with the proposed project, and the proposed plan does not conflict with established recreational, educational, religious, or scientific use of the park. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V- 11-14) remain valid as discussed below.

The Stanislaus Resource Recovery Facility (SRRF) and the Fink Road Landfill serve the project area. Capacity at SRRF is 3,000,000 tons, and capacity at the landfill is 6,000,000 tons, which is currently in process for expansion.

The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) remain valid, as discussed below.

**Discussion:**

- a) The project proposes the integration of city services into the James Marshall Neighborhood Park, and is consistent with the General Plan in land use. Because the proposed integration of services into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR, the proposed project will not present any generation of solid waste that has not already been addressed in the MEIR. In addition, based on the existing capacity of the SRRF and the landfill serving the project area, construction and planned uses of the proposed 13,000 square foot facility would result in a less than significant impact to increase demand for service by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
  
- b) The project proposes the integration of city services into the James Marshall Neighborhood Park, and is consistent with the General Plan in land use. This project will not cause the generation of solid waste that would breach published national, state, or local standards relating to solid waste or litter control, or beyond that which is identified in the MEIR. Therefore, the project would result in no impact to compliance with federal, state, and local statutes and regulations related to solid waste.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**XVI. GENERATION OF HAZARDOUS MATERIALS** - Compared to the General Plan Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
  
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
  
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

than small amounts of "household" or typical office cleaning chemicals. Integration of City services into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and is consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. Therefore, there is a less than significant impact to create a significant hazard to the public or the environment greater than that studied in the General Plan MEIR through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- c) Transport of hazardous materials is strictly regulated by federal, state, and local agencies. Hazardous materials are not anticipated to be a part of operations at the service center, other than small amounts of "household" or typical office cleaning chemicals. Although the Neighborhood Center at Marshall Park will be located adjacent to an existing school within the boundaries of the Urban Area General Plan, integration of city services into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and is consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. Therefore, there is a less than significant impact to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school greater than that studied in the General Plan MEIR.
- d) Based on a review of the lists describing hazardous material sites (under Section 65962.5 of the Government Code) it was determined that there are no listed hazardous materials presently located within the immediate vicinity of the project site. However, the Stanislaus County Environmental Review Committee recently identified a site located within 500 feet of the proposed project. The site, located at 505 Paradise Road, is currently being investigated for contamination by constituents associated with underground storage tanks. Little information has been developed to date, except that the County Department of Environmental Resources is actively investigating the extent of soil and groundwater contamination. Preliminary indications are that effects on the proposed project site are not anticipated. Therefore, impacts associated with health and safety concerns related to the presence of documented hazardous sites are considered to be less than significant.
- e) The proposed site for the Neighborhood Center at Marshall Park is not located within the Modesto City-County Airport Land Use Planning Area Boundary as indicated in the Airport Land Use Commission Plan, adopted August 3, 1978. Therefore, there is no impact to result in a safety hazard for people residing, working or visiting the project area.
- f) Because the proposed Neighborhood Center at Marshall Park would be located in the Baseline Developed Area of the General Plan, and there are no private airstrips within or adjacent to the Modesto General Plan Area, its development would result in no impact to a private airstrip, or to result in a safety hazard for people residing or working in the project area.
- g) Because the Neighborhood Center at Marshall Park will be located within the boundaries of the Urban Area General Plan and will be consistent in use and intensity with Neighborhood Park standards, there is no impact that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- h) Because the proposed project location would be in a mostly-developed urban area, there is no impact, beyond that already studied in the MEIR, to expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Construction of the proposed 13,000 square foot facility is not anticipated to increase any existing risk associated with faults. Therefore, locating the Neighborhood Center at Marshall Park would result in no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

- b) The Uniform Building Code indicates that Modesto is in Zone 3, a lower risk zone. It is anticipated that project construction would comply with all related codes, ordinances, and regulations. Construction of the proposed 13,000 square foot facility is not anticipated to increase any existing risk associated with ground shaking. Therefore, locating the Neighborhood Center at Marshall Park would result in no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.
- c) According to the General Plan Master EIR Modesto predominantly lies on young alluvial fans. Liquefaction can occur in areas of unconsolidated sediments, but the risk has not precluded construction in the vicinity. Construction of the proposed 13,000 square foot facility is not anticipated to increase any existing risk associated with liquefaction. Locating the Neighborhood Center at Marshall Park would result in no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
- d) The General Plan Master EIR states that because the general slope in the Modesto area is very slight, the potential for slope failures is reported to be minimal. Construction of the proposed 13,000 square foot facility is not anticipated to increase any existing risk associated with landslides. Therefore, locating the Neighborhood Center at Marshall Park would result in no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.
- e) Erosion by wind or rain may occur when soils are exposed at the surface by construction activities. And while construction of the proposed 13,000 square foot facility may increase the site's exposure to erosion, it is anticipated that project construction would comply with all applicable codes, ordinances, and regulations including BMPs. Therefore, locating the Neighborhood Center at Marshall Park would result in no impact to result in substantial soil erosion or the loss of topsoil.
- f) The General Plan Master EIR states that because the general slope in the Modesto area is very slight, the potential for slope failures is reported to be minimal. Construction of the proposed 13,000 square foot facility is not anticipated to increase any existing risk associated with landslides. Therefore, locating the Neighborhood Center at Marshall Park would result in no impact to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- g) The Modesto Urban Area is reported to not have soils with a great potential for expansion. Therefore, locating the Neighborhood Center at Marshall Park would result in no impact to being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- h) Integration of a municipal service facility into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and is consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. Because the

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Issues:

**XVIX. AESTHETICS** - Compared to the Master EIR certified for the Modesto Urban Area General Plan, would the project:

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

This use will result in an improvement of aesthetics in the project area by adding to an existing urban park, and is not anticipated to degrade the aesthetic character of the area in any significant way.

**Discussion:**

- a) The proposed project site is in an existing, developed urban park. The park is bounded by residential development to the east and west, and a school to the south. Generally, the park is considered to be in a residential area. Directly north of the project site across Chicago Avenue is a small shopping center with off-street parking. East of the proposed site, across Sutter, is residential housing. There are apartments to the west, and the James Marshall School is located to the south. The addition of the proposed building will not adversely affect a scenic vista or the quality of the surrounding communities and therefore the impact is considered to be less than significant.
- b) The surrounding roadways are not state scenic highways, therefore, there is no impact which would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- c) The proposed project is within a redevelopment district and will improve the aesthetics of the community. There is no impact to the site and its surroundings.
- c) The City of Modesto is an urban environment with substantial night lighting. The proposed building will have lighting as part of its development plan. There might be the potential to have a significant effect on nighttime views as a result of increased lighting except that the project is already in an urban area with an existing cumulative impact on nighttime views, and the lighting will be mitigated to direct the lighting downwards. Therefore, this project is expected have a less than significant impact on the cumulative problem by the creation of a new source of light or glare which would adversely affect day or nighttime views in the area.

Mitigation Measures identified in this document, it can be concluded that this project has no potential to further degrade the quality of the environment.

- b) Because the proposed integration of a municipal services facility at this location (into an existing park) is generally consistent with the City of Modesto General Plan and buildout scenarios examined by the General Plan Master EIR, the facility does not create impacts which would be considered cumulatively considerable. The MEIR specifically projects development of the entire General Plan by the year 2025, and this project is a small increment of that development. Since the adoption of the MEIR, there are no major projects proposed in the vicinity of this project which would further exacerbate impacts which have not already been reviewed.
- c) Finally, as set forth in both the MEIR and this Initial Study, it is not expected that the project will cause substantial adverse effects on human beings, either directly or indirectly.

## XXI DETERMINATION

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:

- This Initial Study, prepared pursuant to CEQA Section 21157.1, has identified an additional significant environmental effect that was not analyzed in the General Plan Master EIR.
- Feasible mitigation measures will be incorporated to revise the subsequent project before the Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

The City's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community & Economic Development Departments have reviewed the proposed project and have determined the following mitigation measures will address the identified impacts and provide an acceptable level of service.

### Traffic and Circulation Needs:

- MM 1.1.1** Keep Clear Zone – Prior to final project approval, the project site plan shall locate a "Keep Clear Zone" where the response driveway accesses Sutter Street. The "Keep Clear Zone" shall conform to applicable City Standards.

*Timing/Implementation: Prior to final project approval.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

- MM 1.1.2** Relocate Bus Stop – Prior to final project approval, the project site plan shall identify the new bus stop location and design, which shall conform to applicable City Standards.

*Timing/Implementation: Prior to final project approval.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

### Air Quality:

- MM 1.2.1** The following City of Modesto Master EIR policies AQ-1 through AQ-18 shall be implemented to reduce PM<sub>10</sub> emission impacts:

1. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
2. Install wind breaks at windward side(s) of construction areas;
3. Suspend excavation and grading when winds exceed 20 mph; and\*
4. Limit the area subject to excavation, grading, and other construction activity at any one time.

(Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation).

*Timing/Implementation: Upon commencement of grading and construction activities.  
Enforcement/Monitoring: City of Modesto Planning Department.*

Archaeological:

**MM 1.8.1** In the event that any prehistoric or historic subsurface cultural resource is discovered during construction-related activity, all work within 50 feet of the resource shall be halted. The City shall consult with a qualified archaeologist to assess the significance of the find. If any find were determined to be significant by the qualified archaeologist, then the City, the developer and the archaeologist would meet to determine the appropriate course of action. Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter. If Native American resources are involved, Native American organizations and individuals recognized by the City shall be notified and consulted regarding any plans for treatment.

*Timing/Implementation: Upon commencement of project construction activities.  
Enforcement/Monitoring: City of Modesto Planning Department*

Drainage, Flooding and Water Quality:

- MM 1.9.1** As a part of the development of the Neighborhood Center at Marshall Park, the following drainage provisions shall be incorporated into the grading and drainage design:
1. *Elevate Buildings* – Since the site is located in a portion of the City that is not served by positive storm drain facilities, the building pads shall be elevated a minimum of 1.0 feet above the adjacent top of curb elevations for Chicago Avenue and Sutter Avenue in conformance with City Standards.
  2. *Grading* – The proposed site buildings and contiguous development features on the south side of the buildings should drain to the rear (south) and into the interior of the existing park towards the existing low-lying area. The south portion of the staff and visitor parking area in the northwest portion of the proposed development should also drain to the interior of the existing park, around the west edge of the proposed police/recreation office building. The north portion of the staff and visitor parking area and the fire department yard/staff parking may drain to Chicago Avenue along the north frontage. The fire department response driveway and portions of contiguous landscaping may drain to Sutter Avenue along the east frontage.

above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.



I further find that the cumulative impacts of this project are consistent with those set forth in the General Plan Master EIR for the Modesto Urban Area General Plan. This proposed project consists of constructing a joint municipal services facility (and amenities) inside the existing James Marshall Neighborhood Park. Integration of a municipal services facility into an existing park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and therefore the project would be consistent with buildout scenarios examined by the Urban Area General Plan Master EIR. The City's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have determined that the impacts from this project with mitigation applied will achieve the level of service consistent with the Modesto Urban Area General Plan and General Plan Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the General Plan Master EIR. All appropriate mitigation measures from the General Plan Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required since this project generated no significant cumulative impact.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Bob Ford, Project Coordinator  
Parks, Recreation and Neighborhoods Department  
City of Modesto

**EXHIBIT "A"**

**Ballanti – Air Quality**

# Donald Ballanti

Certified Consulting Meteorologist

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1424 Scott Street  
El Cerrito, Ca. 94530  
(510) 234-6087  
Fax: (510) 232-7752

September 3, 2003

Nick Ferracone  
Pacific Municipal Consultants  
140 Independence Circle, Suite C  
Chico, CA. 95973

Dear Mr. Ferracone:

The following is my analysis of air quality impacts for the proposed Modesto Westside Service Center. I have prepared my analysis as suggested responses to air quality questions contained in the California Environmental Quality Act (CEQA) checklist. In preparing this analysis I have made use of the methods, assumptions and thresholds of the San Joaquin Valley Unified Air Pollution Control District as described in the District's CEQA guidance document "Guide of Assessing and Mitigating Air Quality Impacts".

## STANDARDS OF SIGNIFICANCE

The CEQA environmental checklist provides five questions regarding air quality impact significance. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the determinations of significance.

The San Joaquin Valley Air Pollution Control District (SJVUAPCD) has established the following standards of significance:<sup>1</sup>

- A project results in estimated carbon monoxide concentrations exceeding the California Ambient Air Quality Standard of 9 parts per million (PPM) averaged over 8 hours and 20 ppm averaged over 1 hour.
- Project operation results in new direct or indirect emissions of ozone precursors (ROG or NO<sub>x</sub>) in excess of 10 tons per year.
- Any project with the potential to frequently expose members of the public to

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<sup>1</sup>San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, August 20, 1998 (Revised June 1, 1999).

Nick Ferracone  
September 3, 2003  
Page 3

A project would be judged to conflict with implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled. A project would obstruct implementation of the regional air quality plan if it would interfere with implementation of the Transportation Control Measures contained in the plans. The project would not conflict with any of the growth assumptions made in the preparation of these plans nor obstruct implementation of any of the proposed control measures contained in these plans.

During the construction of the project emissions would be generated by construction equipment and vehicles. Annual emissions from construction have been estimated using the URBEMIS2002 program (output is attached). Annual construction emissions were estimated at 0.28 tons/year for ROG, 0.53 tons/year for NO<sub>x</sub> and 0.13 tons/year for PM<sub>10</sub>.

Construction emissions would not exceed the SJVUAPCD thresholds of significance nor the federal "de minimis" levels that would require a conformity determination. Operational emissions from the project would not exceed the SJVUAPCD thresholds of significant nor the much higher federal "de minimis" levels. The proposed project would therefore not interfere with attainment of the National Ambient Air Quality Standards and would not require a conformity determination.

*b. Violate any air quality standard or contribute substantially to an existing or projected air quality violations?*

*Less than Significant*

*Discussion:* The SJVUAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The San Joaquin Valley Unified Air Pollution Control District regulates construction emissions through its Regulation VIII. Regulation VIII requires a formal dust control plan, and violations of the requirements of Regulation VIII are subject to enforcement action. The provisions of Regulation VIII pertaining to construction activities require:

- Effective dust suppression for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.
- Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.

Nick Ferracone  
September 3, 2003  
Page 5

associated with the project.

Please call if you have any questions regarding this analysis.

Sincerely,

A handwritten signature in cursive script that reads "Donald Ballanti". The signature is written in black ink and is positioned above the printed name.

Donald Ballanti  
Certified Consulting Meteorologist

Attachment

**EXHIBIT "B"**

**BIOLOGICAL (DFG Letter)**



IN REPLY REFER TO:  
1-1-03-TA-2226

United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

received  
7/2/03

Mr. Brenden Vieg  
Senior Planner  
Pacific Municipal Consultants  
140 Independence Circle, Suite C  
Chico, California 95973

JUN 27 2003

Subject: Westside Service Center at James Marshall Neighborhood Park in the City of Modesto, Stanislaus County, California

Dear Mr. Vieg:

This letter is in response to your request for concurrence from the U.S. Fish and Wildlife Service (Service) that the proposed Westside Service Center at James Marshall Neighborhood Park, located in the City of Modesto, Stanislaus County, California, will not adversely affect federally-listed species. Your letter dated May 12, 2003, was received by our office on May 13, 2003. Our primary concern and mandate is the protection of federally-listed species pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). Section 9 of the Act prohibits the "take" (e.g., hunt, harm, harass, capture, pursue, injure, kill, trap, or collect) of federally-listed wildlife species. "Harm" (i.e., "take") is further defined to include habitat modification or degradation that kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering.

The proposed Westside Service Center is a 13,000 square-foot joint-use fire, police, and recreation facility, located within the existing James Marshall Neighborhood Park. The project site is an existing urban park, and consists of slightly undulating terrain covered by turfgrass and a mix of native and ornamental trees. There are no water features located at the project site. Based on our review of the project description and the project site, the Service finds that the proposed Westside Service Center is not likely to result in take of federally-listed species. The Service makes this determination based on the lack of evidence of listed species or their habitats at the urban park project site.

**EXHIBIT "C"**

**Cultural / Windmiller**

**Archaeological Resources Inventory  
Westside Service Center Project  
Modesto, Stanislaus County, California**

Salida 7.5' Quadrangle  
Section 31, T. 3S, R. 9E MDM  
Approximately One Acre

**Ric Windmiller, M.A.**  
Registered Professional Archaeologist

with a contribution by  
**Donald S. Napoli, Ph.D.**  
Registered Professional Historian

Ric Windmiller  
Consulting Archaeologist  
P.O. Box 1358  
Elk Grove, California 95759-1358  
(916) 685-9205  
fax: (916) 685-2342

Prepared For  
Pacific Municipal Consultants  
10461 Old Placerville Road, Suite 110  
Sacramento, California 95827

June, 2003

## TABLE OF CONTENTS

Management Summary .....	i
List of Figures .....	ii
Introduction .....	1
CEQA Regulatory Background .....	1
Federal Regulatory Background .....	3
The Present Study .....	4
Setting .....	4
Prehistory/Archaeology .....	4
Ethnography .....	5
History .....	6
Records Search Results .....	8
Consultations .....	8
Field Methods .....	8
Findings .....	8
Archaeological Resources .....	8
Buildings and Structures .....	8
Evaluation .....	9
Potential Effects .....	11
Mitigation Proposals .....	11
References Cited .....	12
Appendix A: Statement of Qualifications .....	14
Appendix B: Records Search Results .....	18
Appendix C: Consultations .....	27
Appendix D: Maps .....	37

## LIST OF FIGURES

Figure 1. Westside Service Center project vicinity .....	2
Figure 2. Westside Service Center project area .....	38

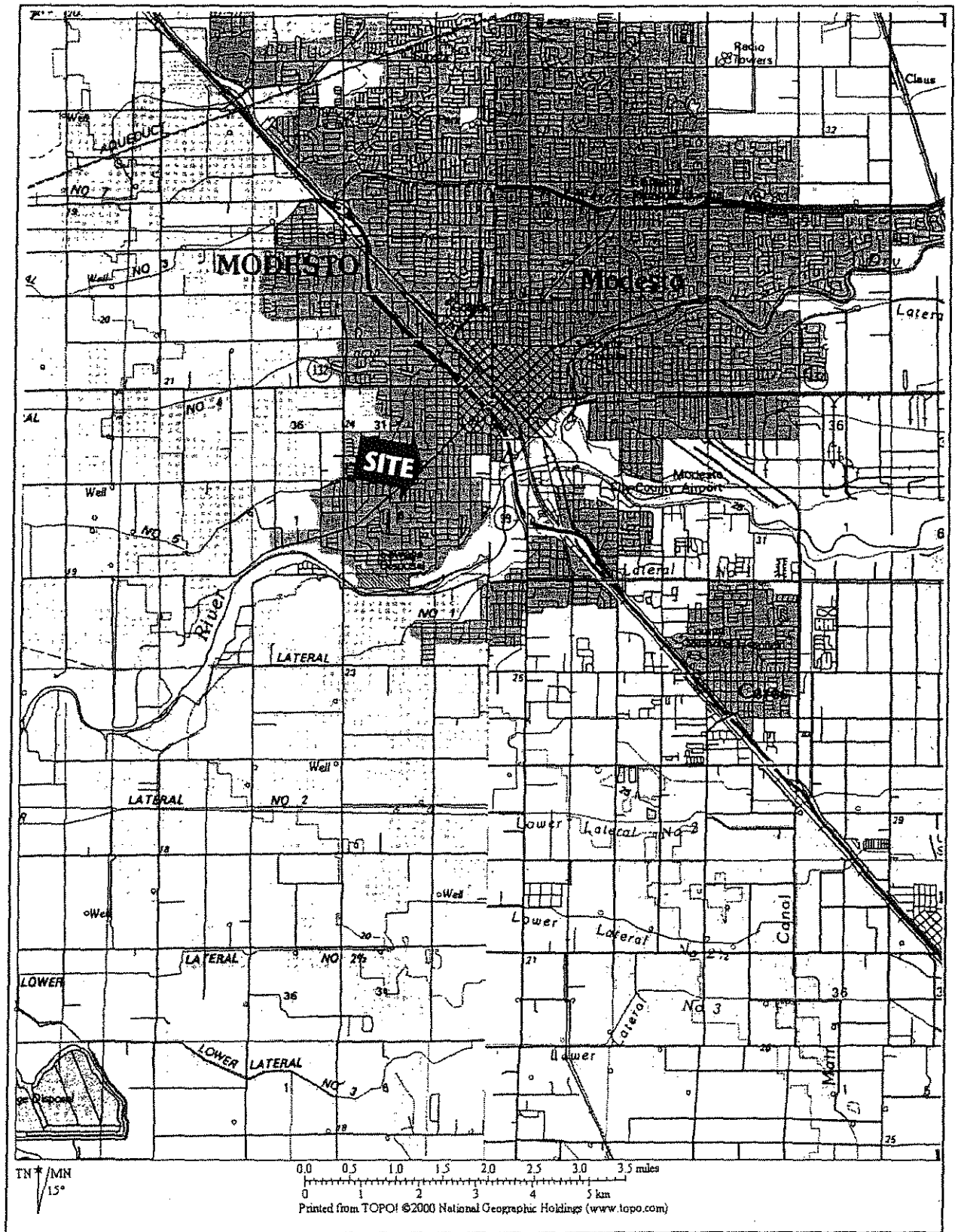


Figure 1. Westside Service Center project vicinity.

reasonable and good faith effort to identify Indian tribes that shall be consulted in the Section 106 process; the federal government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes and court decisions, and, therefore, consultations must recognize this government-to-government relationship.

### **The Present Study**

The purpose of the present study is to identify any archaeological resources within the proposed Westside Service Center project area, and to note any buildings that appear to be 50 years old or older on site or clearly visible from the project site.

A records search was conducted by the North Central Information Center, California Historical Resources Information System. The consultant requested of the Native American Heritage Commission a search of its sacred lands file and list of Native American contacts as a source of further information. Pending the commission's response, the consultant mailed letters to Native American contacts and the McHenry Museum Historical Society requesting comments.

Archaeologists usually organize their studies in three phases (De Barros and Weber 1993:7). Phase I is the inventory or identification of archaeological resources within a project area, which usually includes a prefield records or literature search, field survey and a written report. A Phase I inventory may also include preliminary evaluations of importance. Phase II is a comprehensive evaluation of any archaeological resources discovered during Phase I. Phase III is the treatment of those resources considered "unique" or eligible for the California Register of Historical Resources, or eligible for the National Register of Historic Places as a result of the Phase II evaluation. Phase III includes either avoidance of the resources, a means to lessen any adverse effects, "mitigation," or a combination of the two.

For purposes of the present study, the consultant conducted a Phase I archaeological resources inventory of the Westside Service Center project area. The archaeological survey was conducted by a Registered Professional Archaeologist (see Appendix A: Statement of Qualifications).

## **SETTING**

The proposed Westside Service Center is located in California's Great Central Valley, "... one of the most notable structural depressions in the world" (Hinds 1952:145). The valley is more than 400 miles long and approximately 50 miles wide. Elevation is near sea level. The climate is Mediterranean: summers are hot and rainless, while winters are cool, often with low (tule) fog and 6-20 inches rainfall (Storer and Usinger 1963:26).

The proposed project lies at an elevation of 80 feet in the low plains of the northern San Joaquin Valley in the southern portion of the Central Valley. The Tuolumne River lies one mile south of the project site, while the San Joaquin River lies 9 miles southwest (see Appendix D: Maps).

### **Prehistory/Archaeology**

Archaeology of the early to mid-Holocene period following the last Ice Age is poorly known in California's Central Valley. Moratto and Riley (1980) and Moratto (1984:543-544, 555-557) suggest that California was inhabited primarily by Hokan speaking people between 10,000 and 6000 B.C. Artifacts diagnostic of the Western Pluvial Lakes Tradition (Bedwell 1973) are thought by archaeologists to represent the ancient Hokan populations (Peak & Associates, Inc. 1982; see also Peak and Crew 1990 summarizing research at the Clarks Flat Site, CA-CAL-S342).

Utian peoples (including proto-Miwokan and, later, Yokutsan-speaking people) entered the lower Sacramento Valley probably from the northwest Great Basin and Columbian Plateau region during

to the probability that Yokuts people were relatively late arrivals to the San Joaquin Valley. As Numic-speaking Monache from the east side of the Sierra Nevada began entering the San Joaquin River drainage about 500 years ago, tribelets that inhabited the upper San Joaquin and possibly also the upper Kings River, began to move out, over the valley floor (Wallace 1978:463).

The valley Yokuts lived in villages near water sources, whether waterways or springs. Dwellings consisted of round or oval-shaped structures, 25-40 feet across, covered with tules. Individual structures within the village were scattered about, possibly without any intentional order. Semi-subterranean sweat houses and larger semi-subterranean "dance" houses have been recorded by archaeologists (Wallace 1978:465).

Rafts or boats made by lashing together bundles of tules were the means of transportation on the waterways. Early Spanish explorers noted beaten paths through meadows and along river banks. Well-traveled trails were also noted over great distances, such as westward into Salinan territory of the Coast Ranges. Yokuts bands on horseback made regular visits to Monterey Bay in Costanoan territory during the historic period (Wallace 1978:465).

In 1825, one of Mission San Jose's neophytes, a Yokuts-speaking Indian named Estanislao, fled to the San Joaquin Valley taking with him other neophytes who had become disenchanted with mission life. Estanislao then established his own nation near present-day Salida, from which he led raids on missions and settlements. In 1829, the Mexican government sent two expeditions against Estanislao, which burned out the natives who were otherwise protected by Estanislao's complex fortification of trenches and barriers (Barnes 1987:2).

Latta estimated the original *Yalesumne* pre-contact population at 500 (Latta 1977:98). In 1832, a year before the epidemic, hunter and trapper Colonel James J. Warner noted that there were hundreds of Indians living along the Tuolumne and Stanislaus rivers above the San Joaquin River. Many villages supported 50 to 100 dwellings. When Warner returned to the area a few months after the epidemic, he saw only six or eight live Indians (Barnes 1987:2).

## History

The history of the Modesto vicinity during the Spanish, Mexican and American periods is largely a history of agriculture. John C. Fremont wrote of the area between the Stanislaus and Tuolumne rivers, later known as Paradise Valley. Fremont's 1844 account of its beauty and richness of its soil was one of the most descriptive in its day (Barnes 1987:1).

In the late 1700s, early 1800s, European and American visitors to the area were mainly Spanish soldiers and mission priests. One of the earliest Spanish expeditions into the area was led by Pedro Fages in search of Spanish Army deserters. The Spanish also led forces into the region in search of Indian neophytes who had fled mission life (Barnes 1987:1-2).

Explorers and trappers, as Kit Carson, Jedediah Smith and later, John C. Fremont, noted the abundance of game and fertility of the region's soils. In 1842, Dr. John Marsh, whose land grant was located near the foot of Mt. Diablo, forecasted a great agricultural future for both the Sacramento and San Joaquin valleys. In the final decade of Mexican rule, the region that is now Stanislaus County encompassed five land grants. While in the early years, most of the grants were not occupied due to the threat of hostile Indians, cattle became the primary product of the ranchos. Of the five land grants, El Pescadero, a 35,500 acre rancho between Banta and Grayson, and which was deeded to Valentin Higuerra and Rafael Feliz, was the only rancho permanently occupied in the early years. The rancho was started with 1,300 head of cattle, 350 sheep and 300 horses. The first market was for hides and tallow (Barnes 1987:4).

The market shifted from hides and tallow to beef during the Gold Rush. Americans imported midwestern cattle to California beginning in 1850. By 1854, the Stanislaus River region was open range; cattle country. However, the devastating floods of 1861-1862, followed by three years of drought triggered the decline of the Paradise Valley cattle industry (Barnes 1987:5).

## RECORDS SEARCH RESULTS

The Central California Information Center, California Historical Resources Information System, completed a records search for the proposed project area on May 22, 2003. As a result of that search, the information center found that no prehistoric resources had been reported within one mile of the project and no historic archaeological resources or historic properties had been reported within or immediately adjacent to the project area. No cultural resources known to have value to local (ethnic) groups have been reported to the information center (see Appendix B: Records Search Results).

## CONSULTATIONS

As part of the present study, the consultant requested a sacred lands file search of the Native American Heritage Commission. However, the commission has not concluded its file search at the time of this writing. Therefore, the consultant mailed letters to the two Native American representatives who usually appear on the commission's list for Stanislaus County. The consultant also requested comments and concerns from the McHenry Museum Historical Society. However, no responses have been received at this writing (see Appendix C: Consultations).

## FIELD METHODS

Ric Windmiller, Registered Professional Archaeologist, conducted an intensive field survey of the Westside Service Center site on June 7, 2003. The entire site is the north portion of a landscaped park with extensive irrigated lawns, trees, paved walkways and picnic tables. One park-goer was asked if he had ever found any historic or prehistoric artifacts there; his answer was in the negative. Numerous small, fresh exposures of sediments were exposed by burrowing rodents, presumably gophers. These fresh exposures were examined for any evidence of archaeological resources such as historic and prehistoric artifacts, shell, bone and other "ecofacts." None were found. The entire project site was inspected along transects 5-15 meters apart.

In addition, digital video was used to record buildings within the view shed of the proposed service center. The video footage was reviewed by architectural historian, Donald S. Napoli, Ph.D. Dr. Napoli indicated which buildings appeared 50 years old or older, based on architectural style and noted his impressions with respect to their importance reported below under "Findings."

## FINDINGS

### Archaeological Resources

No archaeological resources, either prehistoric or historic, were discovered during the study.

### Buildings and Structures

It is the consultants' opinion that apartment buildings on the west side of the park, south of Chicago Avenue will be within the view shed of the planned service center. However, these buildings appear to have been constructed in the 1960s and, therefore, are less than 50 years old.

A commercial building on the northwest side of Tuolumne Boulevard and its intersection with Chicago Avenue is of undetermined age. However, the commercial buildings on the north side of

2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Eligibility for the California Register also depends on the integrity, or the survival of characteristics of the resource that existed during its period of significance. Eligible historic resources must not only meet one of the above criteria, but also they must retain enough of their historic character or appearance to convey the reasons for their importance, or retain the potential to yield significant scientific or historical information or specific data.

Like the process of evaluating historical resources for National Register eligibility, California Register evaluations include the consideration of seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. The evaluation of integrity must be judged with reference to the particular criterion or criteria under which a resource may be eligible for the California Register. However, the implementing regulations specifically caution that alterations of a historic resource over time may themselves have historical, cultural or architectural significance.

Most often, historical resources eligible for the California Register will be 50 years old or older. However, the new implementing regulations stipulate that "a resource less than fifty (50) years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance."

If an archaeological resource does not meet the definition of a "historical resource," it may meet the definition of a "unique archaeological resource" under Public Resource Code 21083.2. An archaeological resource is "unique" if it:

1. Is associated with an event or person of recognized significance in California or American history or recognized scientific importance in prehistory;
2. Can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable research questions;
3. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;
4. Is at least 100 years old and possesses substantial stratigraphic integrity;
5. Involves important research questions that historical research has shown can be answered only with archaeological methods.

Generally, a historic site, object, building, structure or district is eligible for listing on the National Register of Historic Places if it is older than 50 years, possesses integrity of location, design, setting, materials, workmanship, feeling and association, and meets at least one of the following criteria (National Park Service 1991):

- A. Association with events that have made significant contributions to the broad patterns of United States history.
- B. Association with the lives of people important in United States history.

REFERENCES CITED<sup>1</sup>

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1968 *Archaeology of the Little Panoche Reservoir, Fresno County.* *Archeology Report* 11, California State Department of Parks and Recreation, Sacramento.

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<sup>1</sup> References are cited in the manner recommended by the style guide for *American Antiquity* and *Latin American Antiquity*, published by the Society for American Archaeology, 2001. Please note: The style guide stipulates that personal communications cited in the text are not duplicated in the References Cited section (Society for American Archaeology 2001:18).

**APPENDIX A: STATEMENT OF QUALIFICATIONS**

## REPRESENTATIVE PROJECTS

**Cultural Resources and Wireless Telecommunications Projects/GeoTrans, Inc.** Historic building evaluations, archaeological surveys, construction monitoring for archaeological resources and records searches for wireless telecommunications projects in northern California.

**Specific Plan EIR/Quad Knopf.** Cultural resources inventory for a 5,000 acre specific plan EIR in Placer County, California.

**Paleontological Survey/Jones & Stokes Associates.** Survey for planned interceptor project in Yolo and Sacramento counties, California.

**Commercial Development/City of Folsom .** Archaeological test excavations, analysis, recovery and reburial of human remains with cooperation of the Sacramento County Coroner, Native American Heritage Commission and the commission's appointed "most likely descendant." Folsom, Sacramento County, California.

**Mining Permit/Blue Mountain Minerals.** On-site archaeological monitoring of the soil capping of archaeological sites as a condition for the permit. Tuolumne County, California.

**Manteca General Plan EIR/Wade Associates.** Records search, archaeological and historic architectural surveys for updated Manteca General Plan, San Joaquin County, California.

**Stanford House Restoration/California Department of Parks & Recreation.** Archaeological excavations to define brick footings, buried conduits and other features associated with the original construction and use of the Stanford House, 8<sup>th</sup> and N streets, Sacramento.

**Data Recovery/Elliott Homes.** Archaeological excavations at a 19<sup>th</sup> century ranch site near Folsom, Sacramento County, California. Data recovery program undertaken as part of a treatment plan approved under the National Historic Preservation Act, Section 106 review. Folsom, Sacramento County, California.

## PARTIAL LIST OF RECENT REPORTS

- 2003 Archaeological Resources Inventory, Bickford Ranch Off-Site Water Line Route, Placer County, California (36pp). Submitted to Lennar Communities. Report on file, North Central Information Center, California State University, Sacramento.
- 2003 Archaeological Resources Inventory, Pine Meadows Development, Jackson, Amador County, California (64pp). Submitted to Robert Hix. Report on file, North Central Information Center, California State University, Sacramento.
- 2003 Southwest Manteca Area Specific Plan Background Reports: Archaeological Resources, Historical Resources and Records Search Results (59pp). Co-authored with Donald S. Napoli, Ph.D. Submitted to Wade Associates for the City of Manteca. Report on file, Central California Information Center, California State University-Stanislaus, Turlock.
- 2003 Airport Way-Yosemite Avenue Specific Plan Background Reports: Archaeological Resources, Historical Resources and Records Search Results (61pp). Co-authored with Donald S. Napoli, Ph.D. Submitted to Wade Associates for the City of Manteca. Report on file, Central California Information Center, California State University-Stanislaus, Turlock.
- 2003 Archaeological Survey Report: AT&T Wireless Services, L.L.C., Site ID #960008023B-

## **APPENDIX B: RECORDS SEARCH RESULTS**

This appendix contains information on the specific locations of cultural resources. This information is not for publication or release to the general public. It is for planning, management and research purposes only. Information on the locations of prehistoric and historic sites are exempted from the California Freedom of Information Act, as specified in Government Code 6254.10.

Attached historic maps (regional information):

- 1953 edition of the Salida 7.5' USGS quadrangle map: no structures shown at the project area, but 2 structures shown nearby to the west.
- GLO Plat for T3S/R9E (sheet # unlisted, dated 1853-1854): "Road" shown further northwest in section 31, and another "Road" further southeast in section 32.
- GLO Plat for T4S/R9E (sheet # unlisted, dated 1853-1854): two roads shown in section 6, one entering T3S, section 31, SE ¼; another shown entering T3S, section 32.

**Resources known to have value to local cultural groups:**

None have been formally reported to the Information Center.

**Previous investigations within the project:**

None reported to the Information Center.

**Previous investigations immediately adjacent to the project Area:**

One has been reported within 1/8<sup>th</sup>-mile, cited as follows:

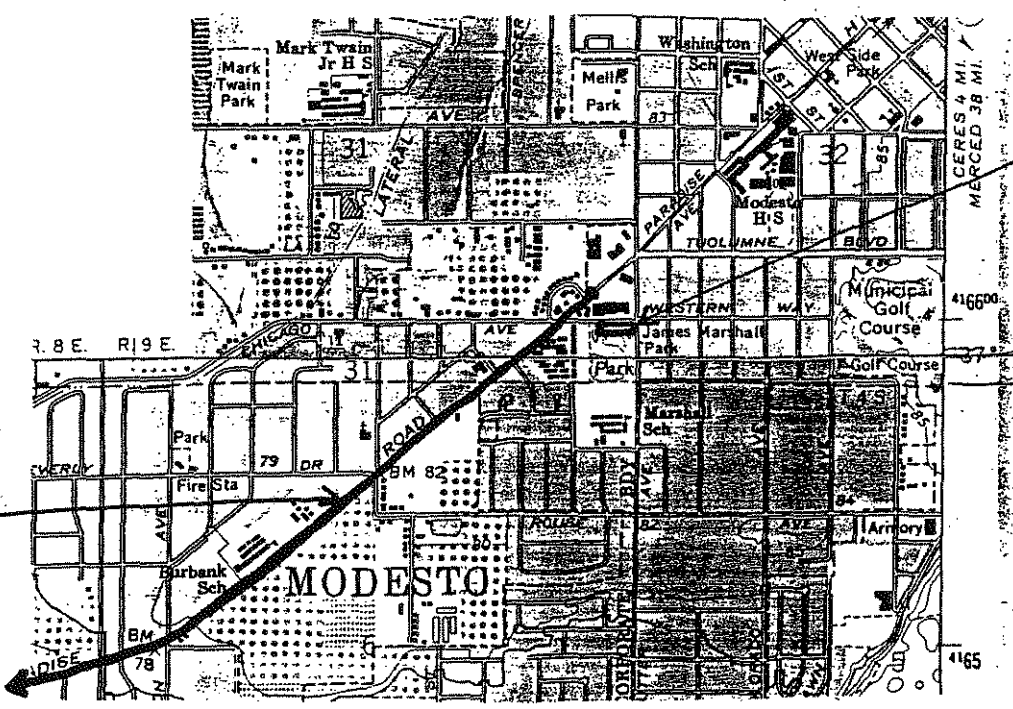
CCIC #	Author/Date	Title
[2930]	Jensen (1996)	<i>Archaeological Inventory Survey: Tracy to Fresno Longhaul Fiberoptics Data Transmission Line, Portions of Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California.</i>

**Recommendations/Comments:**

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features 45 years or older within your project that are considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

In accordance with State law, if any historical resources are found during construction, work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find.

Salida 7.5' USGS 1969 (PR 1976)



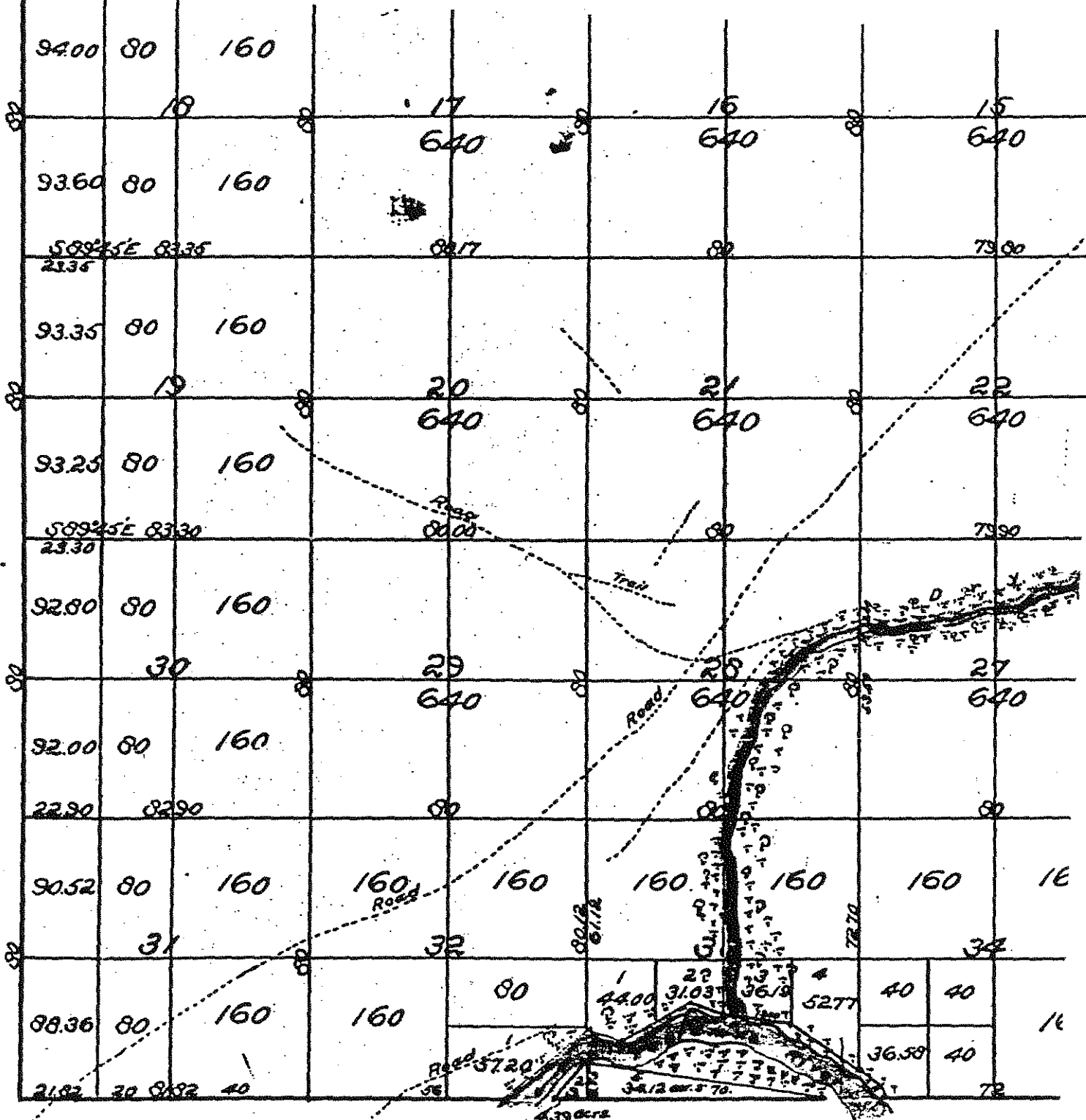
Project area  
(approx. footprint)

T3S  
T4S

2930  
Jensen (1996)

Brush Lake 7.5' USGS 1969

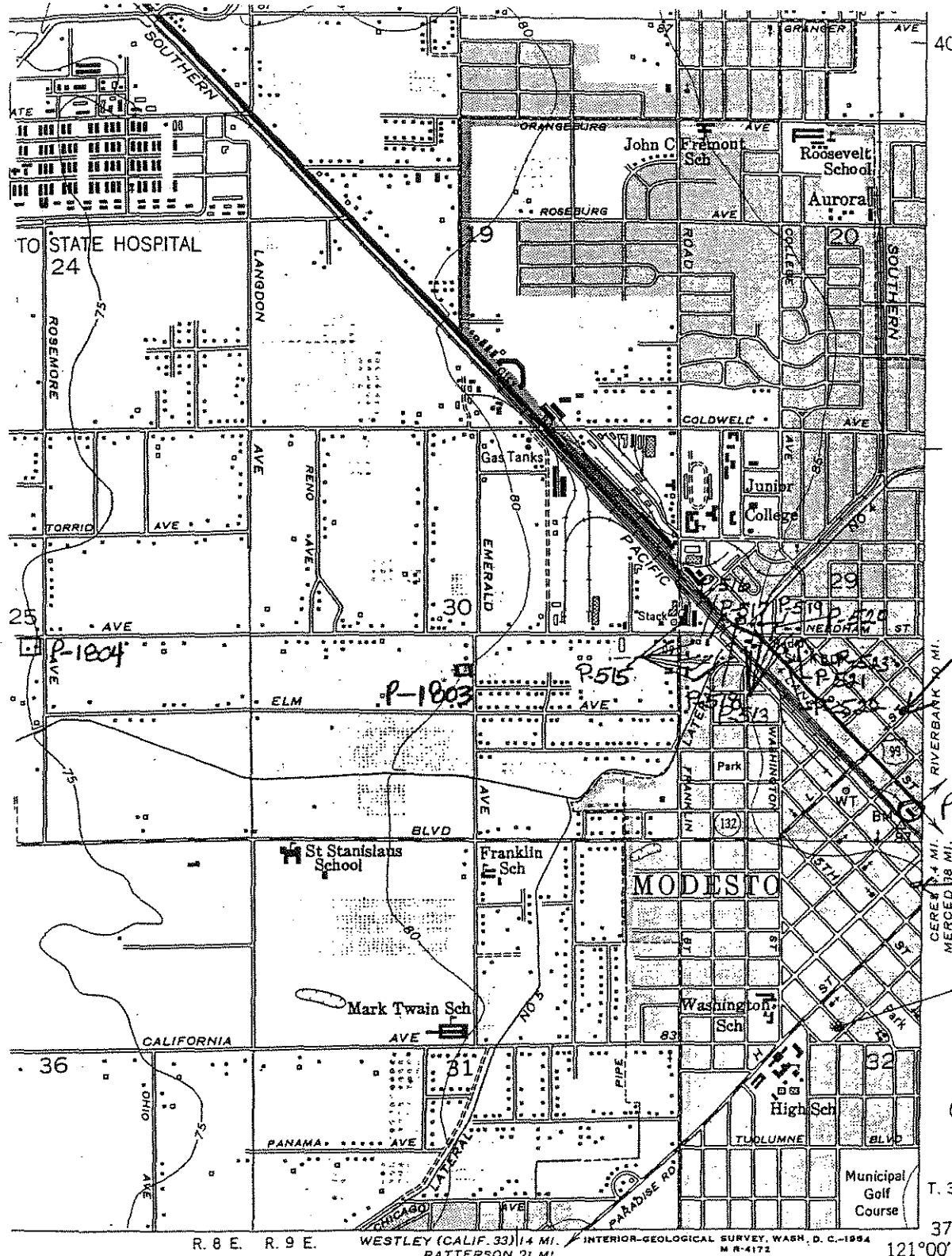
T3S/R9E S.31



The above plat of Township No. 3 South, Range No. 9 East (of Mount Diablo Base & Meri-  
the Field Notes of the undermentioned Surveys thereof, returned to and filed in this C,

Under Contract		Work executed and exhibited	Mile
Dated	With		
October 21 <sup>st</sup> 1852 & September 1 <sup>st</sup> 1853 January 31 <sup>st</sup> 1853	A. W. von Schmidt F. R. Loring	West Boundary of the Township North East	
presurveyed under instructions		South	part
April 3 <sup>rd</sup> 1854	A. W. von Schmidt	Section lines	part
April 3 <sup>rd</sup> 1854	A. W. von Schmidt	South Boundary	part
		Section lines	part
		Meanders	

GLO Plat T 3S/R 9E (1853-1854) no number listed



Maleto  
Steam  
Laundry  
Brooks (1995)  
[4974]

P-619/1735  
7th St.  
Danish  
Baptist  
Church  
Couchman  
(1996) [4933]

Clamp  
Monument  
# 23  
[4849]  
Crichton  
(2002)

R. 8 E. R. 9 E. WESTLEY (CALIF. 33) 14 MI. INTERIOR-GEOLOGICAL SURVEY, WASH. D. C. - 1954  
PATTERSON 21 MI. M R-4172 121°00'

ROAD CLASSIFICATION

Heavy-duty 4 LANE 16 LANE Light-duty 4 LANE 16 LANE  
Medium-duty 4 LANE 16 LANE Unimproved dirt 4 LANE 16 LANE

U. S. Route State Route



**HISTORIC DATA**  
SALIDA, CALIF.  
NE/4 MODESTO WEST 15' QUADRANGLE  
N3737.5-W12100/7.5

*Field Copy*

1953



*Ric Windmiller*  
*Consulting Archaeologist*

---

P.O. Box 1358 (95759-1358)  
9145 Elk Grove Boulevard  
Elk Grove, California 95624  
916/685-9205  
Fax 916/685-2342

---

To: Native American Heritage Commission

Fax #: 657-5390

Phone #: 653-4082

No. Pages (including this one): 2

Date: May 21, 2003

Re: Request Sacred Lands file search and list of contacts.

**Comments:**

Project Name: Westside Service Center, Modesto Project

Location: 440 Sutter Avenue, Modesto (see attached map)

Project Description and Needs: file search to include project area outlined on map and any sites immediately adjacent to the project.

Purpose of File Search: cultural resources inventory to comply with CEQA.

Please fax me the results at your earliest convenience.

Ric Windmiller

MESSAGE CONFIRMATION

MAY-21-2003 01:27PM WED

FAX NUMBER: 916-685-2342  
NAME : WINDMILLER CONSULT

NAME/NUMBER : 6575390  
PAGE : 002  
START TIME : MAY-21-2003 01:23PM WED  
ELAPSED TIME : 02' 04"  
MODE : G3 FINE ECM  
RESULTS : [ O.K ]

---

*Ric Windmiller*  
*Consulting Archaeologist*

---

P.O. Box 1358 (95759-1358)  
9145 Elk Grove Boulevard  
Elk Grove, California 95624  
916/685-9205  
Fax 916/685-2342

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









Please fax me the results at your earliest convenience.

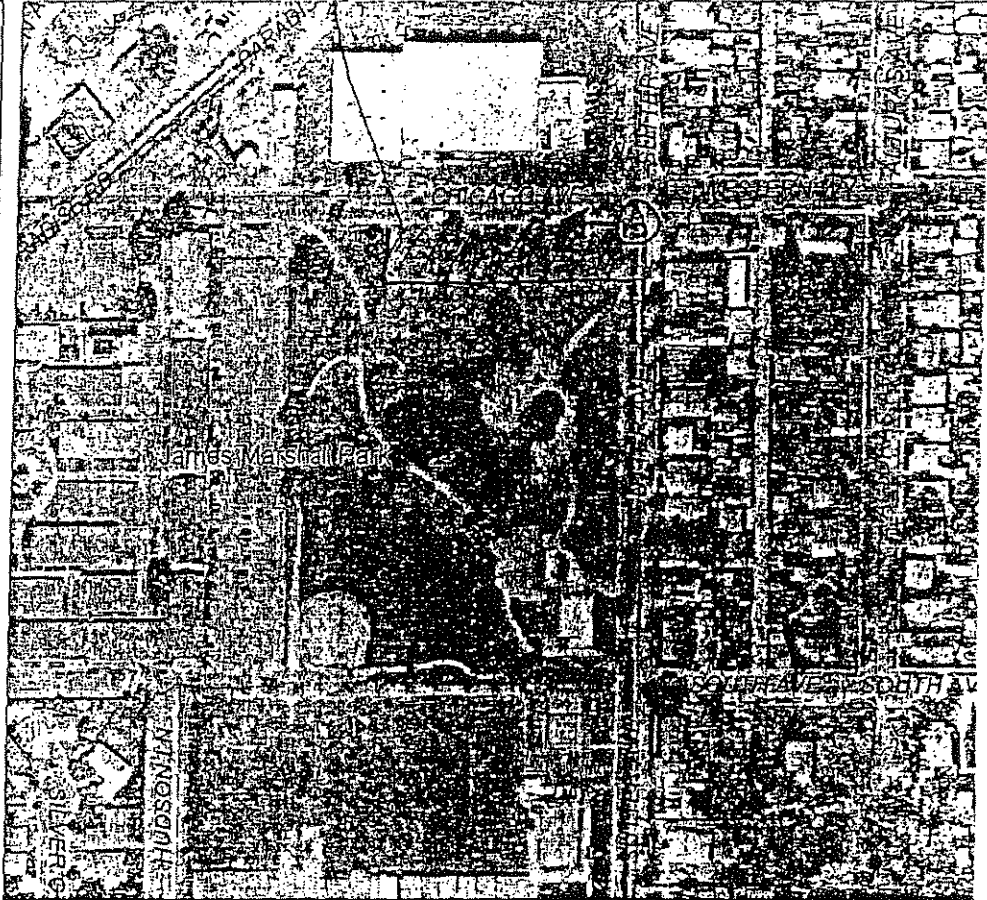
Ric Windmiller

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# City of Modesto

*Approximate Project Footprint.*

-  Police
-  Schools
  -  ADMIN
  -  ELEMENTARY
  -  HIGH
  -  JUNIOR
  -  JUNIOR COLLEGE
  -  MIDDLE
-  Airport
-  Railroads (Main Lines)
-  Highways
-  Main Roads
-  Roads
-  Rivers
-  Transportation Centers
-  Aerial Photography (3/2001)
-  Golf Courses
-  Park Locations
-  Parcels
- Cities
  - CERES
  - COUNTY






















SCALE 1 : 3,148

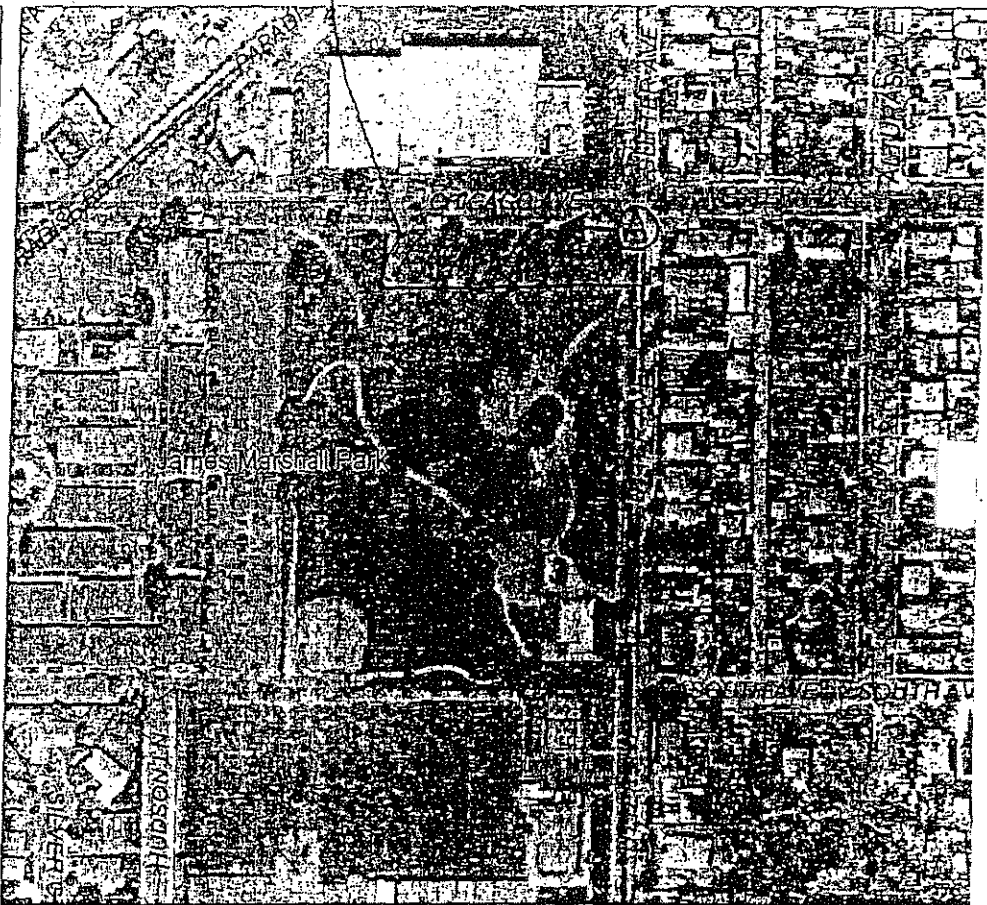


# City of Modesto

Approximate Project Footprint.



-  Police
-  Schools
  -  ADMIN
  -  ELEMENTARY
  -  HIGH
  -  JUNIOR
  -  JUNIOR COLLEGE
  -  MIDDLE
-  Airport
-  Railroads (Main Lines)
-  Highways
-  Main Roads
-  Roads
-  Rivers
-  Transportation Centers
-  Aerial Photography (3/2001)
-  Golf Courses
-  Park Locations
-  Parcels
- Cities
  - CERES
  - COUNTY





















SCALE 1 : 3,148

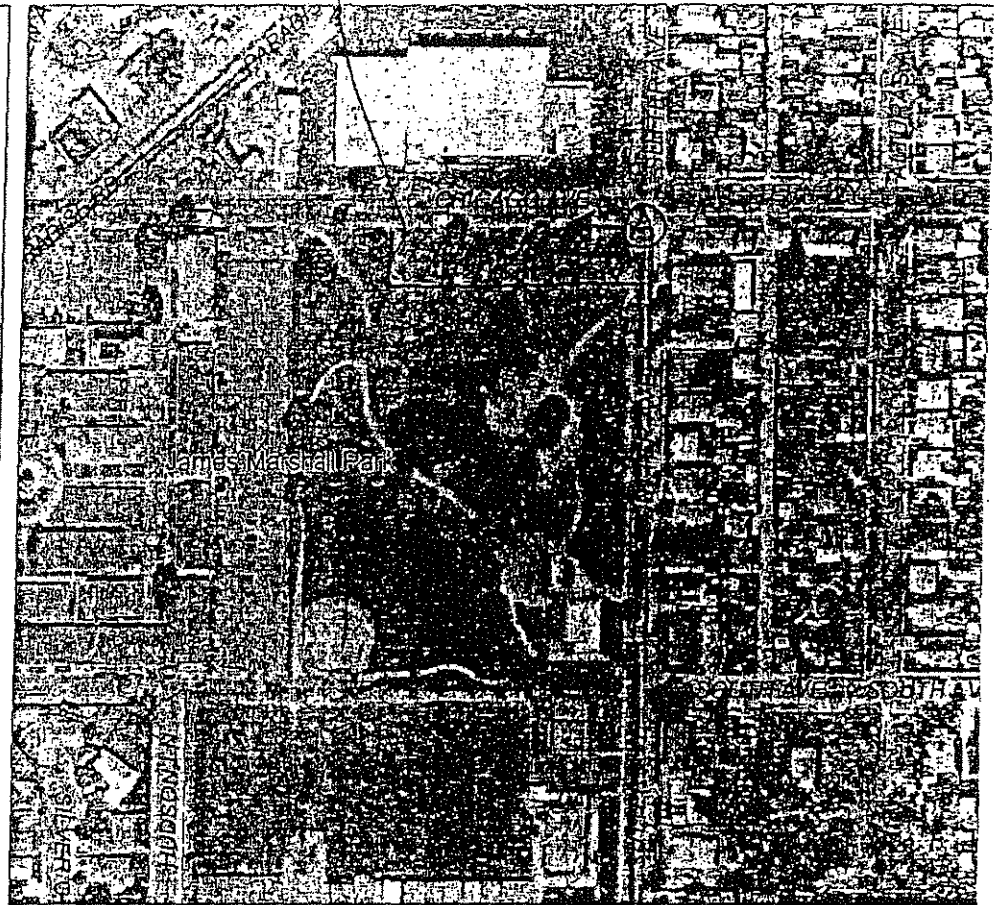


# City of Modesto

Approximate Project Footprint.



-  Police
-  Schools
  -  ADMIN
  -  ELEMENTARY
  -  HIGH
  -  JUNIOR COLLEGE
  -  MIDDLE
-  Airport
-  Railroads (Main Lines)
-  Highways
-  Main Roads
-  Roads
-  Rivers
-  Transportation Centers
-  Aerial Photography (3/2001)
-  Golf Courses
-  Park Locations
-  Parcels
- Cities
  - CERES
  - COUNTY



SCALE 1 : 3,148



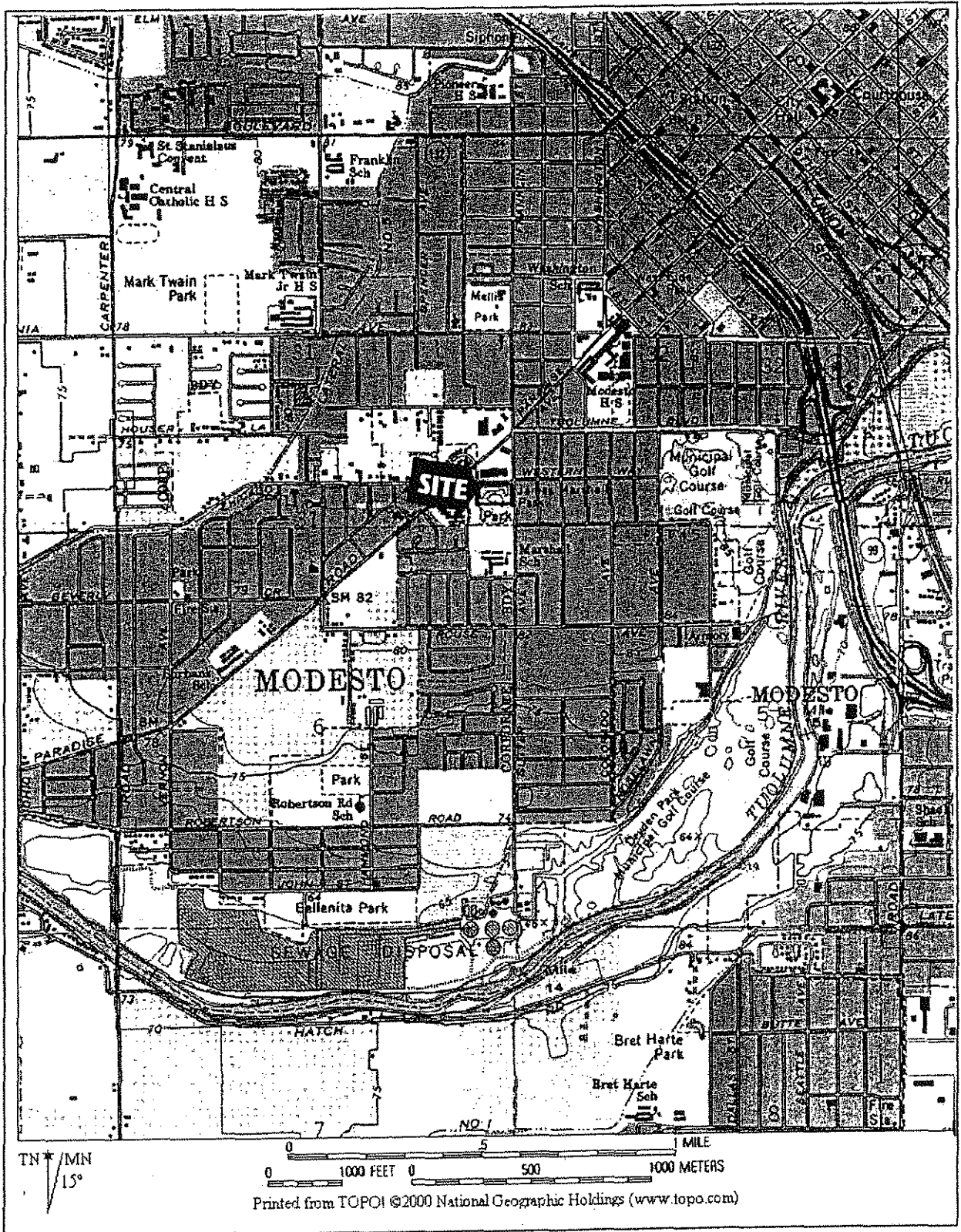
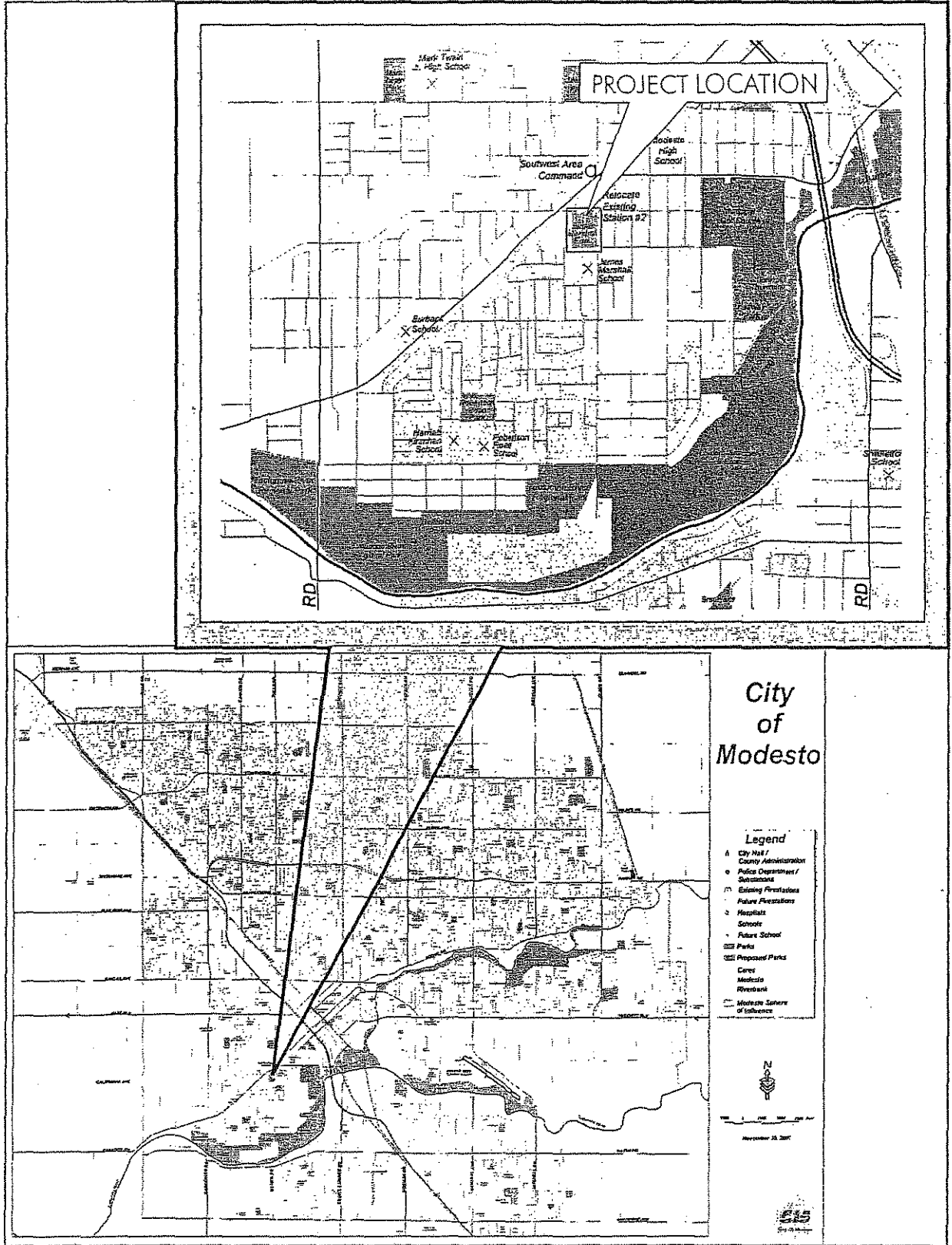


Figure 2. Westside Service Center project area.



Map source: City of Modesto @ <http://www.ci.modesto.ca.us/eid/specs/maps/citybase-45x36.pdf>

FIGURE 2-2  
PROJECT LOCATION MAP

**Exhibit "D"**

**Storm Drainage  
Design Monitoring**

# **Westside Service Center**

## **Storm Drainage Analysis**

*Prepared for:*

***Pacific Municipal  
Consultants***

*By:*



1899 Sapphire Way  
El Dorado Hills, CA 95762  
Ph (916) 801-3962

*July 10, 2003*

Based on the Flood Insurance Rate Map published by the Federal Emergency Management Agency covering this overall area (Panel 15), the proposed Westside Service Center development and the remainder of James Marshall Neighborhood Park are located outside of the 100-year and 500-year flood hazard area associated with the nearby Tuolumne River and within Flood Insurance Zone C. Zone C is defined as an "area of minimal flooding" by the Federal Emergency Management Agency.

### ***Runoff Production***

Under existing conditions, the roughly 1-acre area proposed to be developed as the Westside Service Center consists of park uses associated with James Marshall Neighborhood Park. Runoff production is rather minimal due to the abundance of turf as the primary ground cover and the low percentage of impervious surfaces.

The Westside Service Center will introduce the following features into this 1-acre portion of the existing park site:

- 13,000 SF of new buildings (fire station and police/recreation office)
- Staff and visitor parking with access drives to Chicago Avenue
- Fire Department yard
- Fire Department response driveway with access to Sutter Avenue
- Community Building patio
- New pedestrian walk
- Landscape areas

Most of these features will increase the rate of runoff production for the 1-acre site when compared with existing conditions due to the introduction of impervious surfaces associated with rooftops, pavement, concrete, etc. For a 10-year return period storm, the total peak runoff rate generated within the Westside Service Center site area would increase from 0.4 cubic feet per second (cfs) for the existing park use to 1.75 cfs under a developed condition (see calculation sheet). Though this represents a high percentage increase in peak runoff, the magnitude of peak rates and volumes is quite small. In addition, the majority of storm runoff originating within the proposed Westside Service Center development will continue to drain to the interior of the existing City park (per the Drainage Design Requirements section of this analysis).

The incorporation of paved surfaces and vehicle parking on the site may produce impacts to downstream stormwater quality if not mitigated, due to the potential introduction of petroleum hydrocarbons, oil and grease into storm runoff. This potential should be appropriately mitigated as a part of site development.

2. There is a potential for the site development to degrade downstream stormwater quality due to the introduction of petroleum hydrocarbons, oil, and grease via new site facilities and uses; however, this potential impact will be reduced to less than significant if mitigated by the implementation of onsite stormwater quality control measures in conformance with City policies.
3. The site is not located in a 100-year or 500-year flood hazard area according to the Federal Emergency Management Agency.
4. Building pads shall be elevated a minimum of 1.0 feet above the top of curb elevations for adjacent streets, and the majority of the site development shall be graded to eventually drain to adjacent streets.

**MITIGATION MONITORING AND REPORTING PROGRAM  
FOR THE NEIGHBORHOOD CENTER AT MARSHALL PARK,  
(Pursuant to Mitigated Negative Declaration EA/PR&N-2003-06)**

1.0 INTRODUCTION

This mitigation and monitoring program has been prepared by the City of Modesto for the Neighborhood Center at Marshall Park. CEQA Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a Mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

2.0 SCOPE

The program described below applies to all mitigation measures described in the Initial Study/Mitigated Negative Declaration, dated November 2003, prepared for the project. The components of project mitigation were reviewed and approved by the City of Modesto's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development staff.

3.0 MITIGATION

Traffic and Circulation Needs:

- MM 1.1.1** Keep Clear Zone – Prior to final project approval, the project site plan shall locate a "Keep Clear Zone" where the response driveway accesses Sutter Street. The "Keep Clear Zone" shall conform to applicable City Standards.

*Timing/Implementation: Prior to final project approval.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

- MM 1.1.2** Relocate Bus Stop – Prior to final project approval, the project site plan shall identify the new bus stop location and design, which shall conform to applicable City Standards.

*Timing/Implementation: Prior to final project approval.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

Air Quality:

- MM 1.2.1** The following City of Modesto Master EIR policies AQ-1 through AQ-18 shall be implemented to reduce PM<sub>10</sub> emission impacts:

- b. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM<sub>10</sub>. The following controls are required to be implemented at all construction sites:

10. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

8. Limit the area subject to excavation, grading, and other construction activity at any one time.

(Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation).

*Timing/Implementation: Upon commencement of grading and construction activities.*

*Enforcement/Monitoring: City of Modesto Planning Department.*

Archaeological:

**MM 1.8.1** In the event that any prehistoric or historic subsurface cultural resource is discovered during construction-related activity, all work within 50 feet of the resource shall be halted. The City shall consult with a qualified archaeologist to assess the significance of the find. If any find were determined to be significant by the qualified archaeologist, then the City, the developer and the archaeologist would meet to determine the appropriate course of action. Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter. If Native American resources are involved, Native American organizations and individuals recognized by the City shall be notified and consulted regarding any plans for treatment.

*Timing/Implementation: Upon commencement of project construction activities.*

*Enforcement/Monitoring: City of Modesto Planning Department*

Drainage, Flooding and Water Quality:

- MM 1.9.1** As a part of the development of the Neighborhood Center at Marshall Park, the following drainage provisions shall be incorporated into the grading and drainage design:
1. *Elevate Buildings* – Since the site is located in a portion of the City that is not served by positive storm drain facilities, the building pads shall be elevated a minimum of 1.0 feet above the adjacent top of curb elevations for Chicago Avenue and Sutter Avenue in conformance with City Standards.
  2. *Grading* – The proposed site buildings and contiguous development features on the south side of the buildings should drain to the rear (south) and into the interior of the existing park towards the existing low-lying area. The south portion of the staff and visitor parking area in the northwest portion of the proposed development should also drain to the interior of the existing park, around the west edge of the proposed police/recreation office building. The north portion of the staff and visitor parking area and the fire department yard/staff parking may drain to Chicago Avenue along the north frontage. The fire department response driveway and portions of contiguous landscaping may drain to Sutter Avenue along the east frontage.
  3. *Rock Well* – Runoff increases created by the portions of the Neighborhood Center at Marshall Park development that are recommended to drain to the low-lying area within the interior of the park may be sufficient to warrant the installation of a new rock well near the existing rock well to improve drainage. The need for a new rock well may be determined by the City, based on an interpretation of any prior maintenance issues.
  4. *Stormwater Quality Control Measures* – The site development shall include stormwater quality control measures that conform with the requirements set forth in the City

**ATTACHMENT "A"**

**ENVIRONMENTAL ASSESSMENT**

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**



**U.S. Department of Housing  
and Urban Development  
Pacific/Hawaii Office of  
Community Planning and Development  
Environmental Branch**

## **Environmental Assessment**

(HUD recommended format per  
24 CFR 58.36, revised 1/99)

**Project Identification: Neighborhood Center at Marshall Park**

**Preparer: Nicholas Ferracone, Pacific Municipal Consultants, Chico, California**

**Responsible Entity: City of Modesto, California**

**Month/Year: November/2003**

## Environmental Assessment

**Responsible Entity** [24 CFR 58.2(a)(7)]: City of Modesto

**Certifying Officer** [24 CFR 58.2(a)(2)]: Robert J. Ford, Project Coordinator, Parks, Recreation and Neighborhoods Department

**Project Name:** Neighborhood Center at Marshall Park

**Project Location:** The proposed project is located in the southwestern portion of the City of Modesto in north-central Stanislaus County, California. As proposed, the Neighborhood Center at Marshall Park would occupy 1 acre of the existing 6.81-acre James Marshall Neighborhood Park located at 440 Sutter Avenue (at the intersection of Western Way at Sutter and Chicago Avenues).

**Estimated Total Project Cost:** \$3.3 M

**Grant Recipient** [24 CFR 58.2(a)(5)]: City of Modesto

**Recipient Address:** P.O. Box 642, Modesto, CA 95353

**Project Representative:** Robert J. Ford, Project Coordinator, Parks, Recreation and Neighborhoods Department

**Telephone Number:** (209) 577-5437

**Conditions for Approval:** (List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements.) [24 CFR 58.40(d), 40 CFR 1505.2(c)]

See Attachment 1.

**FINDING:** [58.40(g)]

- Finding of No Significant Impact**  
(The project will not result in a significant impact on the quality of the human environment)
- Finding of Significant Impact**  
(The project may significantly affect the quality of the human environment)

**Preparer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Title/Agency:** Contract Planning Staff, City of Modesto

**RE Approving Official Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Title/ Agency:** City Administrator/Planning Director, City of Modesto

## Statutory Checklist

[24 CFR §58.5]

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency.

Factors	Determinations and Compliance Documentation
<b>Historic Preservation</b> [36 CFR 800]	In compliance. Although this property is located in the Archaeological Resource Zone, the Archaeological Resource Inventory indicates that it is unlikely that any archaeological resources will be encountered during the construction of this project. In addition, the General Plan Master EIR (MEIR) has specific mitigation measures that are included with any project within the scope of the General Plan, and these mitigation measures will be included in the construction documents for the park. With these existing mitigation measures in place, there would be no impact above what has already been studied in the General Plan MEIR. <i>Reference: Neighborhood Center at Marshall Park MND, Section VIII (b), and Exhibit C.</i>
<b>Floodplain Management</b> [24 CFR 55, Executive Order 11988]	In compliance. The project site is not located within a floodplain area, as designated by a Flood Insurance Rate Map prepared by FEMA.
<b>Wetlands Protection</b> [Executive Order 11990]	In compliance. There are no water features on the project site, and therefore no wetlands or other waters of the U.S. occur in the project study area. Since there are no wetlands in the project area, the construction of the Neighborhood Center at Marshall Park will have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act. <i>Reference: Neighborhood Center at Marshall Park MND, Section VII (c), and Exhibit B.</i>
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]	Not applicable. The project site is not located in any Coastal Zone in California.
<b>Sole Source Aquifers</b> [40 CFR 149]	In compliance. No Sole Source Aquifers have been identified in the project vicinity.
<b>Endangered Species Act</b> [50 CFR 402]	In compliance. On behalf of the City of Modesto, Pacific Municipal Consultants (PMC) provided the San Joaquin Branch of the Endangered Species Division of the U.S. Fish and Wildlife Service (USFWS) a memo dated May 12, 2003 which attached the following material: 1) a summary of the project's attributes, 2) a project aerial and site photos, 3) results of a CNDDDB search for the subject parcel area, 4) and documentation of correspondence with the USFWS requesting a list of sensitive species known to occur or which may occur in the vicinity of the project area. PMC's memo concluded that no listed species inhabit the project site, and that no listed species will be adversely affected by implementation of the proposed project. On June 27, 2003, PMC received concurrence in writing from the USFWS that the proposed action is not likely to adversely affect listed species and that no further consultation is required. Therefore, it is concluded that

**HUD Environmental Standards**

**Determinations and Compliance Documentation**

<p><b>Noise Abatement and Control</b> [24 CFR 51 B]</p>	<p>Not applicable. No residential structures are being constructed as part of this project.</p>
<p><b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]</p>	<p>In compliance. A review of the lists describing hazardous material sites as required under Section 65962.5 of the California Government Code has determined that there are no listed hazardous materials sites presently located within the project site of the Neighborhood Center at Marshall Park at James Marshall Neighborhood Park. The Neighborhood Center at Marshall Park would not be located in a Potential Hazardous Contamination Study Area, as presented in Figure 16-1 of the MEIR. <i>Reference: Neighborhood Center at Marshall Park MND, Section VI (d).</i></p>
<p><b>Siting of HUD-Assisted Projects near Hazardous Operations</b> [24 CFR 51 C]</p>	<p>Not applicable. There are no hazardous operations in the vicinity of the project site.</p>
<p><b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]</p>	<p>Not applicable. There are no airports or private airstrips in the vicinity of the project site.</p>

**Environmental Assessment Checklist, continued**

<b>Energy Consumption</b>	1	The project proposes a 13,000 square foot building which at buildout would not consume a significant amount of electricity. In addition, the project would comply with energy conservation provisions of the California Building Code.
<b>Noise - Contribution to Community Noise Levels</b>	1	The proposed project will not significantly increase vehicle trips, so it is anticipated that traffic noise from this source would not increase. Generation of ambient noise may increase somewhat due to the addition of Police and Fire services, with periodic temporary noise increases due to use of sirens. Equipment and apparatus that support the emergency service substations may also contribute to groundborne vibration or noise. However, noise from these public facilities is exempted under the City of Modesto Noise Ordinance. In addition, the integration of such services into a park is consistent with specific language in Chapter 5, Sections G and K of the City of Modesto's General Plan, and examined in buildout scenarios in the adopted General Plan Master EIR.

<b>Land Development</b>	<b>Code</b>	<b>Source or Documentation</b>
<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	The project would not regularly release any toxic air contaminants. Area source emissions from on-site would be limited to emissions from combustion of natural gas for space and water heating. In addition, Exhibit A (attached to this document) states that project vehicle trip generation would not have the potential to cause an exceedance of the state or federal ambient air quality standards for carbon monoxide.
<b>Environmental Design</b> Visual Quality - Coherence, Diversity, Compatible Use and Scale	2	The project would be designed in conformance with City design standards for buildings and infrastructure. In addition, the project is located in a redevelopment overlay zone, where new attractive construction is encouraged.

<b>Socioeconomic</b>	<b>Code</b>	<b>Source or Documentation</b>
<b>Demographic Character Changes</b>	1	The proposed project is not anticipated to cause any change in demographic character.
<b>Displacement</b>	1	No residences would be removed as part of the project. As proposed, the Neighborhood Center at Marshall Park would occupy 1 acre of the northeast portion of the existing 6.81-acre James Marshall Neighborhood Park.
<b>Employment and Income Patterns</b>	1	The proposed project is not anticipated to cause any change in employment and income patterns.

- Recreation	1	The project would have no impact on existing recreational facilities. Although the project is proposed to locate in the northeast portion of the existing James Marshall Neighborhood Park, and a portion of the north end of the park would be converted from turfed mounds, no intensively developed portion of the park, recreation facilities, or recreation opportunities would be lost.
- Cultural Facilities	1	The project would have no impact on existing cultural facilities, since none exist in the project area. No mitigations beyond those listed in the MEIR are necessary.
Transportation	1	The project would have no impact on traffic flow on adjacent roadways and intersections.

### Natural Features

### Source or Documentation

Water Resources	1	The project is expected to place a demand on water supplies of the City. However, the City has adequate water supply to supply the project site.
Surface Water	1	There is no natural surface water on the project site.
Unique Natural Features and Agricultural Lands	1	There are no unique natural features on the project site.
Vegetation and Wildlife	1	On June 27, 2003, PMC received concurrence in writing from the USFWS that the proposed action is not likely to adversely affect listed species and that no further consultation is required. (See Exhibit B attached to this document.)

### Other Factors

### Source or Documentation

Indirect Illumination – Light and Glare	4	The project may introduce new light and glare sources in the area that may indirectly illuminate nearby residences, creating a nuisance. The project includes mitigation measures that would set a maximum level of indirect illumination that the project may not exceed, and would incorporate light and glare reduction measures.
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**NOTE:** The Responsible Entity must additionally document and ensure compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

**Mitigation Measures Recommended** [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

See Attachment 1A and Additional Studies Performed (described below).

**Additional Studies Performed**

(Attach studies or summaries)

- 1) 2003 City of Modesto Neighborhood Center at Marshall Park Mitigated Negative Declaration (MND)
- 2) 2003 Air Quality Impact Analysis (Neighborhood Center at Marshall Park MND, Exhibit A)
- 3) 2003 Letter, USFWS (Neighborhood Center at Marshall Park, Exhibit B)
- 4) 2003 Archaeological Resources Study (Neighborhood Center at Marshall Park MND, Exhibit C)
- 5) 2003 Storm Drainage Analysis (Neighborhood Center at Marshall Park MND, Exhibit D)

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]

- 1) 2003 Final Master Environmental Impact Report for the Urban Area General Plan and Related Amendments to the Urban Area General Plan
- 2) 1995 City of Modesto Urban Area General Plan
- 3) 1995 Final Master Environmental Impact Report for the Urban Area General Plan
- 4) San Joaquin Branch of the Endangered Species Division of the U.S. Fish and Wildlife Service (USFWS): 6/27/03 memo

6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
  7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  9. Any site with more than 150 or more vehicle trips per day shall prevent carryout and trackout.
- a. Enhanced Control Measures. The following measures should be implemented at construction sites when required to mitigate significant PM<sub>10</sub> impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):
1. Limit traffic speeds on unpaved roads to 15mph; and
  2. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

*Timing/Implementation: Upon commencement of grading and construction activities.  
Enforcement/Monitoring: City of Modesto Planning Department.*

**MM 1.2.2** The following measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions.

1. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
2. Install wind breaks at windward side(s) of construction areas;
3. Suspend excavation and grading when winds exceed 20 mph; and\*
4. Limit the area subject to excavation, grading, and other construction activity at any one time.

(Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation).

*Timing/Implementation: Upon commencement of grading and construction activities.  
Enforcement/Monitoring: City of Modesto Planning Department.*

4. *Stormwater Quality Control Measures* – The site development shall include stormwater quality control measures that conform with the requirements set forth in the City policy document entitled “Guidance Manual for New Development Stormwater Quality Control Measures”, in order to mitigate any site development impacts on downstream stormwater quality.

*Timing/Implementation: Prior to receipt of grading permit.*

*Enforcement/Monitoring: City of Modesto Engineer*

**Aesthetics:**

**MM 1.18.1** The following mitigation measure will apply to lighting and glare:

1. Lighting on the project site shall not indirectly illuminate adjacent residences at a level greater than one foot-candle in intensity when measured from the portion of the residence facing the project site. If indirect illumination at a residence is greater than one foot-candle, the City shall ascertain the cause of the indirect illumination and, if necessary, implement appropriate measures to reduce such illumination.
2. Building materials proposed as part of the project shall include provisions regulating light and glare. Such provisions may include, but are not limited to, the following:
  - Prohibiting the use of reflective materials in the construction of buildings, fencing and other outdoor structures.
  - The use of earth tones that do not reflect sunlight for colors of buildings and other exterior structures.
  - Encouraging measures to reduce the amount of indirect illumination of offsite properties by onsite lighting, such as shielding.

Nothing in this mitigation measure shall be construed so as to prohibit the installation of lighting necessary for safety and/or security purposes.

*Timing/Implementation: Prior to approval of certificate of occupancy.*

*Enforcement/Monitoring: City of Modesto Planning Department*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-162**

**A RESOLUTION APPROVING THE MASTER PLAN AND DESIGN  
DEVELOPMENT REPORT FOR THE NEIGHBORHOOD CENTER AT  
MARSHALL PARK.**

WHEREAS, three City departments desire to develop a joint service facility at the southwest corner of Sutter and Chicago Avenues, on the existing Marshall Park site (“Project”), and

WHEREAS, WLC Architects of Folsom, California was selected to provide architectural services and prepare a Master Plan and Design Development Report for the Project and a professional services agreement was approved by the City Council on March 6, 2002, and

WHEREAS, the Safety and Communities Committee met on March 1, 2004, and supported the recommendation to approve the Master Plan and Design Development Report, and

WHEREAS, by an agenda report dated March 15, 2004, from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the Master Plan and Design Development Report for the Neighborhood Center at Marshall Park, a copy of said report is on file in the office of the City Clerk, and

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

WHEREAS, on March 23, 2004, concurrent with this resolution, the Modesto City Council considered and adopted Initial Study EA/PR&N 2003-06 and Mitigated

Negative Declaration (SCH # 2004022070) for construction of the Neighborhood Center at Marshall Park at 440 Sutter Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Master Plan and Design Development Report for the Neighborhood Center at Marshall Park, a copy of said report is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-163**

**A RESOLUTION APPROVING AN AMENDMENT TO THE ARCHITECTURAL SERVICE CONTRACT WITH WLC ARCHITECTS TO INCREASE THE FEE FROM \$197,500 TO \$243,840 TO PROVIDE FOR ADDITIONAL CONSTRUCTION MANAGEMENT AND ENGINEERING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT.**

WHEREAS, three City departments desire to develop a joint service facility at the southwest corner of Sutter and Chicago Avenues, on the existing Marshall Park site, and

WHEREAS, on March 6, 2002, the City entered into an agreement with WLC Architects ("WLC") to provide a Design Development Report and Construction Documents for the Neighborhood Center at Marshall Park for a total contract amount of \$197,500 for the Master Plan, Construction Documentation for Phase I Fire Station and Phase II Police and Recreation Offices, and Construction Management for Phase I Fire Station Construction ("Agreement"), and

WHEREAS, it was anticipated that the Phase I construction would be completed first, followed by the Phase II construction when funding became available, and

WHEREAS, it was later discovered that the City could apply for a HUD Section 108 loan to cover the cost of construction of both Phase I and Phase II, and

WHEREAS, the Agreement did not include any engineering for the Marshall Park drainage basin alterations, and

WHEREAS, staff now desires to amend the Agreement to expand WLC's scope of work further to include additional Construction Management required for Phase II and engineering for the Marshall Park drainage basin alterations and to increase the amount of the Agreement from \$197,500 to \$243,840 ("Amendment"), and

WHEREAS, the Safety and Communities Committee met on March 1, 2004, and supported staff's recommendation to approve an Amendment to the Agreement with

WLC to provide the additional Construction Management required for Phase II and engineering for the Marshall Park drainage basin alterations, at a cost not to exceed \$46,340.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to Agreement with WLC Architects for additional services related to the additional Construction Management required for Phase II and engineering for the Marshall Park drainage basin alterations, at a cost not to exceed \$46,340 is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-164**

**A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) TO ALLOCATE \$400,000 IN HOME FUNDS TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE MILLER POINTE PROJECT, AND \$624,831 TO STANISLAUS COUNTY AFFORDABLE HOUSING (STANCO) FOR THE 3333 CARVER ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS.**

WHEREAS, on July 1, 2003, by Resolution No. 2003-338, the City Council authorized staff to solicit a Request for Proposals (RFP) for the development and construction of multi-family housing, rehabilitation and conversion of market rate units to affordable units or the development of new entry-level single-family units, which will increase the affordable housing stock within the City of Modesto, and

WHEREAS, a total of \$1,536,624 of assistance was released this fiscal year, consisting of \$1,154,720 newly allocated HOME funds, \$312,825 of CHDO set-aside funds, and \$69,079 of CHDO operating expense, and

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

WHEREAS, a RFP was released on July 8, 2003, and due on September 5, 2003, and

WHEREAS, four proposals were received; with one proposal being late and incomplete, and therefore rejected, and

WHEREAS, the review committee recommended the approval of Habitat for Humanity's proposal for CHDO operating expenses in the amount of \$69,079; as recommended by the Citizens Housing and Community Development Committee

(CH&CDC) on November 21, 2003, and approved by the City Council on January 6, 2004, by Resolution No. 2004-016, and

WHEREAS, the review committee further requested and received additional information from other proposals to clarify the increase of construction costs, and made its recommendations, and

WHEREAS, based on the review committee suggestions, the CH&CDC met on January 22, 2004, and recommended allocation of \$400,000 for the Miller Pointe Project by the Housing Authority of the County of Stanislaus, and approval of the requested funding by STANCO in the amount of \$624,831 for the 3333 Carver Road Project contingent upon receipt of a commitment letter by County Bank,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate \$400,000 for the Miller Pointe Project by the Housing Authority of the County of Stanislaus, and \$624,831 to STANCO for the 3333 Carver Road Project contingent upon receipt of a commitment letter by County Bank.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN LAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-165**

**A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING (STANCO) FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-ASIDE FUNDS IN THE AMOUNT OF \$260,270.**

WHEREAS, on November 22, 2002, the Citizens Housing and Community Development Committee (CH&CDC) recommended that staff be authorized to negotiate with Stanislaus County Affordable Housing (STANCO) for the use of \$260,270 in uncommitted CHDO funds and

WHEREAS, at the time STANCO was the only financially stable CHDO operating within the Modesto city limits, and

WHEREAS, on December 10, 2002, by Resolution No. 2002-638, the City Council directed staff to negotiate with STANCO for the use of the \$260,270 in uncommitted CHDO funds, and

WHEREAS, CHDO funds negotiated with STANCO are needed to complete the financing for the construction of the 3333 Carver Road project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate \$260,270 in Community Housing Development Organization (CHDO) Funds to Stanislaus County Affordable Housing (STANCO).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-166**

**A RESOLUTION AMENDING THE FISCAL YEAR 02-03 OPERATING  
BUDGET TO RE-ALLOCATE \$260,270 IN UNOBLIGATED FY 02-03 CHDO  
SET-ASIDE FUNDS TO 1170-320-3259-0508, CHDO SET-ASIDE.**

WHEREAS, ON November 22, 2002, the Citizens Housing and Community Development Committee (CH&CDC) recommended that staff be authorized to negotiate with the Housing Authority of Stanislaus County for use of \$260,270 in uncommitted FY 02-03 CHDO funds, and

WHEREAS, on December 10, 2002, by Resolution No. 2002-638, the City Council authorized staff to negotiate with STANCO for \$260,270, and

WHEREAS, the CHDO funds negotiated with STANCO are needed to complete the financing for the construction of the 3333 Carver Road project, and

WHEREAS, Fiscal Year 02-03 funds are available,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 03-04 operating budget to re-allocate \$260,270 in unobligated FY 02-03 CHDO set-aside funds to 1170-320-3259-0508, CHDO Set-aside.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: M. D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-167**

**A RESOLUTION ADOPTING POLICIES AND PROCEDURES AND  
ESTABLISHING FEES FOR THE PARKS, RECREATION AND  
NEIGHBORHOODS DEPARTMENT FACILITIES AND SERVICES AND  
RESCINDING RESOLUTION NO. 98-237.**

WHEREAS, on July 16, 1996, the City Council adopted Resolution No. 96-397 establishing certain fees and a Use and Fee Policy for use of facilities managed by the City's Parks, Recreation and Neighborhoods Department, and

WHEREAS, on May 5, 1998, the City Council adopted Resolution No 98-237, restating a comprehensive use policy and fee schedule for use of facilities and services provided by the City of Modesto Community Services and Neighborhood Connections (now Parks, Recreation and Neighborhoods) Department and adding a policy for co-sponsor programs with non-profit and public organizations and superceding Resolutions Nos. 96-397, 97-430, 98-26 and 98-236, and

WHEREAS, pursuant to an agenda report to the City Council dated March 15, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council certain and policies and procedures for rental and use of said facilities, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, and

WHEREAS, pursuant to an agenda report to the City Council dated March 15, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council certain fee assessments relating to the use of facilities and other related services for facilities managed by the Parks, Recreation and Neighborhoods Department, a copy of which is attached hereto as Exhibit 2 and incorporated herein by reference, and

WHEREAS, the Finance Committee met on March 1, 2004, and supported the recommended policies and procedures and increased fees for facilities and related services managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on March 23, 2004 in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, and

WHEREAS, on said date and time said duly noticed public hearing of the City Council was held for the purpose of receiving public comment on the proposed policies and procedures and fees for facilities and related services managed by the Parks, Recreation and Neighborhoods Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the policies and procedures for rental and use of facilities and related services managed by the Parks, Recreation and Neighborhoods Department, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Council hereby approves certain fee assessments relating to the use of facilities and other related services for facilities managed by the Parks, Recreation and Neighborhoods Department, a copy of which is attached hereto as **Exhibit 2** and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 98-237 is hereby rescinded effective March 31, 2004.

BE IT FURTHER RESOLVED that this resolution shall become effective on April 1, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

Sports Facilities and Services

	Current Fee	Fy 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
Volleyball or Softball Equipment Bag	\$13.00	\$14.94	\$15	\$15	\$15	\$15	\$16	\$16	\$16	\$16	\$17	\$17
Horseshoe pits-per park	\$15.00	\$25.01	\$9	\$19	\$12	\$23	\$15	\$29	\$15	\$30	\$16	\$31
Horseshoe pits-per park Prep for Tournament	\$479.00	\$205.42	\$103	\$205	\$106	\$211	\$109	\$217	\$112	\$224	\$115	\$231
Ballfield-without lights, per 2 hours	\$16.00	\$19.48	\$10	\$20	\$10	\$20	\$10	\$21	\$11	\$21	\$11	\$22
Ballfield-with lights per 2 hours	\$38.00	\$43.34	\$22	\$44	\$23	\$45	\$23	\$47	\$24	\$48	\$25	\$50
Tennis Courts, per court per 2 hours	\$10.00	\$50.35	\$6	\$13	\$8	\$16	\$10	\$20	\$12	\$24	\$15	\$31
Scoreboards, per game	N.A.	\$24.80	\$18	\$18	\$20	\$20	\$22	\$22	\$24	\$24	\$26	\$26

Miscellaneous Facilities and Services

	Current Fee	FY 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
McClatchy Square	\$90.00	\$79.43	\$40	\$80	\$41	\$82	\$42	\$85	\$44	\$87	\$45	\$90
Mancini Bowl	\$160.00	\$346.76	\$100	\$200	\$125	\$250	\$156	\$313	\$188	\$375	\$193	\$386
Use of Breaker Box	New	\$28.26	\$28	\$28	\$29	\$29	\$30	\$30	\$31	\$31	\$32	\$32
Mancini Bowl Breaker box & Pigtail	New	\$84.78	\$85	\$85	\$88	\$88	\$90	\$90	\$93	\$93	\$96	\$96
Mark Twain, La Loma Roosevelt Multi-purpose Facility- per 2 hours	\$41.00	\$50.62	\$26	\$51	\$26	\$53	\$27	\$54	\$28	\$56	\$29	\$58
Sommerset Multipurpose Facility- per 2 hours	\$73.00	\$78.99	\$40	\$79	\$41	\$81	\$42	\$84	\$43	\$86	\$44	\$89
Picnic Areas -per section -all day	\$88.00	\$73.42	\$37	\$73	\$38	\$75	\$39	\$77	\$40	\$80	\$41	\$82
Large Portable PA System first 4 hours	\$73.00	\$173.46	\$46	\$91	\$57	\$114	\$71	\$143	\$89	\$178	\$98	\$196
Large Portable PA System each additional hour	\$11.00	\$11.12	\$11	\$11	\$11	\$11	\$12	\$12	\$12	\$12	\$12	\$12
Filming Permit per 2 hrs (plus other applicable fees)	\$113.00	\$116.53	\$117	\$117	\$121	\$121	\$124	\$124	\$128	\$128	\$132	\$132
Vending Permit	\$15.00	\$58.66	\$19	\$59	\$23	\$61	\$27	\$63	\$28	\$64	\$29	\$66
BBQ Trailer	\$76.00	\$127.78	\$48	\$95	\$59	\$119	\$68	\$137	\$70	\$141	\$72	\$145
Portable Stage Without Top	\$443.00	\$469.73	\$235	\$470	\$242	\$484	\$249	\$499	\$257	\$514	\$264	\$529
Portable Stage With Top	\$759.00	\$821.55	\$411	\$822	\$423	\$847	\$436	\$872	\$449	\$898	\$463	\$925
Portable Awning	\$353.00	\$333.23	\$411	\$333	\$171	\$343	\$177	\$353	\$182	\$364	\$187	\$375
Reservation for Area with No Fee	New	\$14.15	\$14	\$14	\$15	\$15	\$16	\$16	\$18	\$18	\$20	\$20
Insurance Processing Fee	New	\$14.15	\$14	\$14	\$15	\$15	\$16	\$16	\$18	\$18	\$20	\$20

## Buildings

Parks, Recreation and Neighborhoods Department  
Proposed Fee Schedule

	Current Fee	FY 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
Boy Scout Clubhouse												
Per 4 Hours, Unstaffed	\$86.00	\$150.19	\$54	\$108	\$67	\$134	\$84	\$168	\$87	\$173	\$89	\$178
Per 9 Hours	\$138.00	\$241.51	\$86	\$173	\$108	\$216	\$135	\$270	\$139	\$278	\$143	\$286
All Day	\$190.00	\$332.82	\$119	\$238	\$148	\$297	\$186	\$371	\$191	\$382	\$197	\$394
McHenry Mansion												
Per 5 Hours, Staffed	\$507.00	\$875.25	\$317	\$634	\$367	\$734	\$417	\$834	\$467	\$934	\$517	\$1,034
Each Additional 1/2 Hour Staffed	\$44.00	\$88.73	\$28	\$55	\$34	\$69	\$43	\$86	\$47	\$95	\$49	\$97
McHenry Museum												
Main Floor												
Per 4 Hours, Staffed	\$426.00	\$577.16	\$250	\$500	\$288	\$575	\$325	\$650	\$363	\$725	\$400	\$800
Each Additional Hour Staffed	\$43.00	\$128.26	\$27	\$54	\$34	\$67	\$42	\$84	\$52	\$105	\$66	\$131
Per 4 hours, Unstaffed	New	\$529.26	\$238	\$475	\$275	\$550	\$313	\$625	\$350	\$700	\$388	\$775
Each Additional Hour, Unstaffed	New	\$119.33	\$23	\$45	\$28	\$56	\$35	\$70	\$44	\$88	\$55	\$110
McHenry Museum Auditorium												
Per 2 Hours, Staffed	\$113.00	\$245.75	\$75	\$150	\$88	\$175	\$100	\$200	\$113	\$225	\$125	\$250
Each Additional 2 Hours Staffed	\$66.00	\$69.02	\$35	\$69	\$36	\$71	\$37	\$73	\$38	\$75	\$39	\$78
Per 2 Hours, Unstaffed	\$113.00	\$219.55	\$63	\$125	\$75	\$150	\$88	\$175	\$100	\$200	\$113	\$225
Each Additional 2 Hours Unstaffed	\$66.00	\$51.14	\$26	\$51	\$26	\$53	\$27	\$54	\$28	\$56	\$29	\$58
McHenry Museum Equipment Fees												
Folding Tables	New		\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$6
Chairs (1st 20 free)	New		\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
Podium	New		\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$6
Card Tables	New		\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
PA System (main floor)	New		\$25	\$25	\$26	\$26	\$27	\$27	\$27	\$27	\$27	\$28
Moving Piano (Main floor only)	New		\$25	\$25	\$26	\$26	\$27	\$27	\$27	\$27	\$27	\$28
Moving desk in rotunda	New		\$25	\$25	\$26	\$26	\$27	\$27	\$27	\$27	\$27	\$28
Storage fee for items left overnight	New		\$50	\$50	\$52	\$52	\$53	\$53	\$55	\$55	\$56	\$58

	Current Fee	FY 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
King-Kennedy Memorial Center Entire Facility												
Per 5 Hours, Staffed	\$258.00	\$303.92	\$148	\$297	\$153	\$306	\$157	\$315	\$162	\$324	\$167	\$334
Each Additional 2 Hours, staffed	\$10.00	\$56.93	\$18	\$34	\$18	\$35	\$18	\$36	\$19	\$37	\$19	\$38
Each Additional 2 Hours, unstaffed	N/A	\$28.98	\$8	\$15	\$9	\$19	\$12	\$23	\$15	\$29	\$18	\$37
King Kennedy Auditorium/Kitchen												
Per 5 Hours, Staffed	\$186.00	\$259.55	\$116	\$233	\$128	\$256	\$132	\$263	\$136	\$271	\$140	\$279
Each Additional 2 Hours, staffed	\$10.00	\$51.13	\$18	\$34	\$18	\$35	\$18	\$36	\$19	\$37	\$19	\$38
King Kennedy Auditorium												
Per 4 Hours, Staffed	New	\$146.75	\$73	\$146	\$75	\$150	\$77	\$155	\$80	\$160	\$82	\$164
Each Additional 2 Hours, staffed	New	\$37.72	\$18	\$34	\$18	\$35	\$18	\$36	\$19	\$37	\$19	\$38
King Kennedy Kitchen												
Per 4 Hours, Staffed	New	\$215.94	\$88	\$175	\$109	\$219	\$113	\$225	\$116	\$232	\$120	\$239
Each Additional Hour, staffed	New	\$41.60	\$9	\$17	\$9	\$18	\$9	\$18	\$9	\$19	\$10	\$19
King Kennedy Room A												
Per 2 Hours, Staffed	N/A	\$72.97	\$37	\$73	\$38	\$75	\$39	\$77	\$40	\$80	\$41	\$82
Each Additional Hour, staffed	N/A	\$17.05	\$9	\$17	\$9	\$18	\$9	\$18	\$9	\$19	\$10	\$19
King-Kennedy additional charge												
TV/VCR/DVD Rental	New		\$25	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Sound System, Microphones	New		\$25	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Facility Set-up	New		\$20	\$20	\$10	\$21	\$11	\$21	\$11	\$22	\$11	\$23
Additional Staff fee, per hour 7 p.m. to Midnight	New	\$13.98	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Entire Facility												
Per 4 Hours, Staffed	\$159.00	\$447.98	\$99	\$199	\$124	\$248	\$155	\$311	\$194	\$388	\$243	\$485
Per 4 Hours, Unstaffed	\$111.00	\$391.06	\$69	\$139	\$87	\$173	\$108	\$217	\$135	\$271	\$169	\$339
Each Additional Hour, staffed	N/A	\$26.65	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	N/A	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Auditorium												
Per 4 Hours, Staffed	\$95.00	\$316.25	\$59	\$119	\$74	\$148	\$93	\$186	\$116	\$232	\$145	\$290
Per 4 Hours, Unstaffed	\$48.00	\$259.45	\$30	\$60	\$38	\$75	\$47	\$94	\$59	\$117	\$73	\$146
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Large Dining Room												
Per 4 Hours, Staffed	\$118.00	\$143.37	\$71	\$142	\$73	\$146	\$75	\$150	\$77	\$155	\$80	\$159
Per 4 Hours, Unstaffed	\$70.00	\$86.46	\$43	\$86	\$44	\$89	\$46	\$91	\$47	\$94	\$48	\$97
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16

	Current Fee	Fy 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
Senior Citizens Center Small Dining Room												
Per 4 Hours, Staffed	New	\$109.53	\$55	\$109	\$56	\$112	\$58	\$116	\$60	\$119	\$61	\$123
Per 4 Hours, Unstaffed	New	\$52.61	\$26	\$52	\$27	\$54	\$28	\$55	\$26	\$57	\$29	\$59
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Kitchen												
Per 4 Hours, Staffed	New	\$94.48	\$47	\$94	\$48	\$97	\$50	\$100	\$51	\$103	\$53	\$108
Per 4 Hours, Unstaffed	New	\$37.57	\$18	\$36	\$19	\$37	\$19	\$38	\$20	\$39	\$20	\$41
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
American Legion Hall												
Per 4 hours (M-Th, 8am-5pm)	\$550.00	\$553.67	\$554	\$554	\$571	\$571	\$588	\$588	\$605	\$605	\$624	\$624
Per Day	\$925.00	\$1,077.33	\$1,075	\$1,075	\$1,107	\$1,107	\$1,140	\$1,140	\$1,175	\$1,175	\$1,210	\$1,210
Event Staffing Per Hour	New	\$30.76	\$31	\$31	\$32	\$32	\$33	\$33	\$34	\$34	\$35	\$35

Buildings

Parks, Recreation and Neighborhoods Department  
Proposed Fee Schedule

	Current Fee	Fy 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
<b>Boy Scout Clubhouse</b>												
Per 4 Hours, Unstaffed	\$86.00	\$150.19	\$54	\$108	\$67	\$134	\$84	\$168	\$87	\$173	\$89	\$178
Per 9 Hours	\$138.00	\$241.51	\$86	\$173	\$108	\$216	\$135	\$270	\$139	\$278	\$143	\$286
All Day	\$190.00	\$332.82	\$119	\$238	\$148	\$297	\$186	\$371	\$191	\$382	\$197	\$394
<b>McHenry Mansion</b>												
Per 5 Hours, Staffed	\$507.00	\$875.25	\$317	\$634	\$367	\$734	\$417	\$834	\$467	\$934	\$517	\$1,034
Each Additional 1/2 Hour Staffed	\$44.00	\$88.73	\$28	\$55	\$34	\$69	\$43	\$86	\$47	\$95	\$49	\$97
<b>McHenry Museum</b>												
<b>Main Floor</b>												
Per 4 Hours, Staffed	\$426.00	\$577.16	\$250	\$500	\$288	\$575	\$325	\$650	\$363	\$725	\$400	\$800
Each Additional Hour Staffed	\$43.00	\$128.26	\$27	\$54	\$34	\$67	\$42	\$84	\$52	\$105	\$66	\$131
Per 4 hours, Unstaffed	New	\$529.26	\$238	\$475	\$275	\$550	\$313	\$625	\$350	\$700	\$388	\$775
Each Additional Hour, Unstaffed	New	\$119.33	\$23	\$45	\$28	\$56	\$35	\$70	\$44	\$88	\$55	\$110
<b>McHenry Museum Auditorium</b>												
Per 2 Hours, Staffed	\$113.00	\$245.75	\$75	\$150	\$88	\$175	\$100	\$200	\$113	\$225	\$125	\$250
Each Additional 2 Hours Staffed	\$66.00	\$69.02	\$35	\$69	\$38	\$71	\$37	\$73	\$38	\$75	\$39	\$78
Per 2 Hours, Unstaffed	\$113.00	\$219.55	\$63	\$125	\$75	\$150	\$88	\$175	\$100	\$200	\$113	\$225
Each Additional 2 Hours Unstaffed	\$66.00	\$51.14	\$26	\$51	\$26	\$53	\$27	\$54	\$28	\$56	\$29	\$58
<b>McHenry Museum Equipment Fees</b>												
Folding Tables	New		\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$6
Chairs (1st 20 free)	New		\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
Podium	New		\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$6
Card Tables	New		\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
PA System (main floor)	New		\$25	\$25	\$26	\$26	\$27	\$27	\$27	\$27	\$27	\$28
Moving Piano (Main floor only)	New		\$25	\$25	\$26	\$26	\$27	\$27	\$27	\$27	\$27	\$28
Moving desk in rotunda	New		\$25	\$25	\$26	\$26	\$27	\$27	\$27	\$27	\$27	\$28
Storage fee for items left overnight	New		\$50	\$50	\$52	\$52	\$53	\$53	\$55	\$55	\$56	\$56

	Current Fee	Fy 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
King-Kennedy Memorial Center Entire Facility												
Per 5 Hours, Staffed	\$258.00	\$303.92	\$148	\$297	\$153	\$306	\$157	\$315	\$162	\$324	\$167	\$334
Each Additional 2 Hours, staffed	\$10.00	\$56.93	\$18	\$34	\$18	\$35	\$18	\$36	\$19	\$37	\$19	\$38
Each Additional 2 Hours, unstaffed	N/A	\$28.98	\$8	\$15	\$9	\$19	\$12	\$23	\$15	\$29	\$18	\$37
King Kennedy Auditorium/Kitchen												
Per 5 Hours, Staffed	\$186.00	\$259.55	\$116	\$233	\$128	\$256	\$132	\$263	\$136	\$271	\$140	\$279
Each Additional 2 Hours, staffed	\$10.00	\$51.13	\$18	\$34	\$18	\$35	\$18	\$36	\$19	\$37	\$19	\$38
King Kennedy Auditorium												
Per 4 Hours, Staffed	New	\$148.75	\$73	\$146	\$75	\$150	\$77	\$155	\$80	\$160	\$82	\$164
Each Additional 2 Hours, staffed	New	\$37.72	\$18	\$34	\$18	\$35	\$18	\$36	\$19	\$37	\$19	\$38
King Kennedy Kitchen												
Per 4 Hours, Staffed	New	\$215.94	\$88	\$175	\$109	\$219	\$113	\$225	\$116	\$232	\$120	\$239
Each Additional Hour, staffed	New	\$41.60	\$9	\$17	\$9	\$18	\$9	\$18	\$9	\$19	\$10	\$19
King Kennedy Room A												
Per 2 Hours, Staffed	N/A	\$72.97	\$37	\$73	\$38	\$75	\$39	\$77	\$40	\$80	\$41	\$82
Each Additional Hour, staffed	N/A	\$17.05	\$9	\$17	\$9	\$18	\$9	\$18	\$9	\$19	\$10	\$19
King-Kennedy additional charge												
TV/VCR/DVD Rental	New		\$25	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Sound System, Microphones	New		\$25	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Facility Set-up	New		\$20	\$20	\$10	\$21	\$11	\$21	\$11	\$22	\$11	\$23
Additional Staff fee, per hour 7 p.m. to Midnight	New	\$13.98	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Entire Facility												
Per 4 Hours, Staffed	\$159.00	\$447.98	\$99	\$199	\$124	\$248	\$155	\$311	\$194	\$388	\$243	\$485
Per 4 Hours, Unstaffed	\$111.00	\$391.06	\$69	\$139	\$87	\$173	\$108	\$217	\$135	\$271	\$169	\$339
Each Additional Hour, staffed	N/A	\$26.65	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	N/A	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Auditorium												
Per 4 Hours, Staffed	\$95.00	\$316.25	\$59	\$119	\$74	\$148	\$93	\$186	\$116	\$232	\$145	\$290
Per 4 Hours, Unstaffed	\$48.00	\$259.45	\$30	\$60	\$38	\$75	\$47	\$94	\$59	\$117	\$73	\$146
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Large Dining Room												
Per 4 Hours, Staffed	\$118.00	\$143.37	\$71	\$142	\$73	\$146	\$75	\$150	\$77	\$155	\$80	\$159
Per 4 Hours, Unstaffed	\$70.00	\$86.46	\$43	\$86	\$44	\$89	\$46	\$91	\$47	\$94	\$48	\$97
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16

	Current Fee	Fy 03-04 Cost of Service	Proposed FY 03-04 Fee		Proposed FY 04-05 Fee		Proposed FY 05-06 Fee		Proposed FY 06-07 Fee		Proposed FY 07-08 Fee	
			Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee	Non-profit 50%	Full Fee
Senior Citizens Center Small Dining Room												
Per 4 Hours, Staffed	New	\$109.53	\$55	\$109	\$56	\$112	\$58	\$116	\$60	\$119	\$61	\$123
Per 4 Hours, Unstaffed	New	\$52.61	\$26	\$52	\$27	\$54	\$28	\$55	\$28	\$57	\$29	\$59
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
Senior Citizens Center Kitchen												
Per 4 Hours, Staffed	New	\$94.48	\$47	\$94	\$48	\$97	\$50	\$100	\$51	\$103	\$53	\$108
Per 4 Hours, Unstaffed	New	\$37.57	\$18	\$36	\$19	\$37	\$19	\$38	\$20	\$39	\$20	\$41
Each Additional Hour, staffed	New	\$26.60	\$13	\$25	\$13	\$26	\$13	\$27	\$14	\$27	\$14	\$28
Each Additional Hour, unstaffed	New	\$13.95	\$7	\$14	\$7	\$14	\$7	\$15	\$8	\$15	\$8	\$16
American Legion Hall												
Per 4 hours (M-Th, 8am-5pm)		\$550.00	\$553.67	\$554	\$554	\$571	\$571	\$588	\$588	\$605	\$605	\$624
Per Day		\$925.00	\$1,077.33	\$1,075	\$1,075	\$1,107	\$1,107	\$1,140	\$1,140	\$1,175	\$1,175	\$1,210
Event Staffing Per Hour	New	\$30.76	\$31	\$31	\$32	\$32	\$33	\$33	\$34	\$34	\$35	\$35

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-168**

**A RESOLUTION APPROVING THE DOWNTOWN IMPROVEMENT  
DISTRICT BOARD'S PILOT PARKING VALIDATION PROGRAM**

WHEREAS, in order to increase Downtown Business patronage, the Downtown Improvement District Board approached staff with a proposal for a Pilot Parking Validation Program (Pilot Program), and

WHEREAS, the Pilot Program provides validation stamps redeemable for free parking at the Tenth Street Place and Eleventh Street parking garages, and

WHEREAS, under the Pilot Program, DID will pay the City fifty percent (50%) of the face value of the parking validation stamps, or fifty-two dollars and fifty cents (\$52.50) for a book of one hundred (100) stamps, each of which is redeemable for one (1) hour of free parking, and

WHEREAS, the Pilot Program provides that the validation stamps will be specially marked to be redeemable only during the weekday lunch-hour time period, defined as Monday through Friday, 11 a.m. to 2 p.m., and

WHEREAS, the Pilot Program validation stamps will be made available to DID businesses for use by patrons only, and

WHEREAS, the Pilot Program will commence on or about April 5, 2004 and continue for a period of six (6) months to October 2004, and

WHEREAS, following the conclusion of the Pilot Program period, staff will meet with DID to prepare a report for Council on the success of the program and make appropriate recommendations for continuance of the program, and

WHEREAS, fiscal impacts of the Pilot Program are uncertain, but likely to be negligible, and

WHEREAS, the Finance Committee considered this item at its January 26, 2004, meeting and recommended approval to the full Council,

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Downtown Improvement District Board's Pilot Parking Validation Program, as outlined by the Acting Engineering and Transportation Director in an agenda report dated March 11, 2004, and tentatively set to commence April 5, 2004.

BE IT FURTHER RESOLVED that the Pilot Program will be in place for a period of time not to exceed six (6) months, after which time a program evaluation will be prepared and recommendations made to Council regarding continuance of the Pilot Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-169**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
ENDORING A GRANT APPLICATION FROM THE STATE THEATRE  
BOARD OF DIRECTORS TO THE STANISLAUS COUNTY ECONOMIC  
DEVELOPMENT BANK.**

WHEREAS, the State Theatre Non-Profit Board of Directors is initiating a capital project to renovate the State Theatre's structure, including ceiling and wall murals; and

WHEREAS, the State Theatre Board of Directors is soliciting a \$150,000 grant from the Stanislaus County Economic Development Bank; and

WHEREAS, the Stanislaus County Economic Development Bank requires endorsement from the incorporated City before it will consider the application; and

WHEREAS, the Economic Development Advisory Board, which includes the nine City Managers in Stanislaus County, recommended a provision to the Alliance Board of Directors that should the State Theatre cease operating as a non-profit organization within the three years, the succeeding organization (for profit) must repay the grant to the City of Modesto. Each year of the three years that the State Theatre continues to operate as a non-profit would release one-third of the obligation so at the end of three years there is no further obligation; and

WHEREAS, the Alliance Board approved this provision and referred to the County Board of Supervisors who requested a Council Resolution accepting the State Theatre's request for City endorsement of their loan request; and

WHEREAS, the Modesto City Manager recommends approval,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the State Theatre \$150,000 grant request to the Stanislaus County Economic Development Bank is hereby endorsed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of March, 2004, by Councilmember Jackman , who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-170**

**A RESOLUTION APPOINTING NORALYNN DOYLE GOOLD TO THE  
COMMUNITY QUALITIES FORUM**

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

WHEREAS, Mayor Jim Ridenour has recommended NORALYNN DOYLE GOOLD as his selection to the Community Qualities Forum.

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

SECTION 1. NORALYNN DOYLE GOOLD is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-171**

**A RESOLUTION APPROVING A CONTRACT WITH MAZE & ASSOCIATES, AN ACCOUNTANCY CORPORATION, TO PERFORM FINANCIAL RELATED WORK FOR THE CITY OF MODESTO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.**

WHEREAS, the City's Police Department requires an audit firm to perform agreed upon procedures to assure that the City-licensed bingo games operator is in compliance with the City of Modesto's bingo regulations, and

WHEREAS, the City's Community Facilities Fees administrative management requires an audit firm to perform agreed upon procedures to provide assurance that previous accounting and financial calculations are accurate, and

WHEREAS, the City's Internal Audit Division requires a qualified audit firm to perform agreed upon procedures to provide assurance that the City's information systems comply with security and disaster recovery requirements, and

WHEREAS, the City's Finance Department requires assistance from an audit firm to perform its Gann appropriations limit calculations, and

WHEREAS, the Council has previously selected Maze & Associates as the firm most qualified to perform financial audit services for the City, and

WHEREAS, the Audit Committee has, on March 12, 2004, recommended Maze and Associates be approved to perform the required financial services cited above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a contract with Maze & Associates to perform these services at a price not to exceed \$78,200.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract for these services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-172**

**A RESOLUTION AMENDING POLICIES AND PROCEDURES FOR THE USE  
OF MELLO-ROOS COMMUNITY FACILITIES DISTRICTS**

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council adopted "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-405, adopted August 10, 1999, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-500, adopted October 5, 1999, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 2002-39 the City Council transferred the CFD administration function from the City Clerk and the City Attorney to the City Manager, and by the same Resolution the City Council made certain amendments to its Policies and Procedures for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, The City Council desires to further amend the City’s Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its “Policies and Procedures” relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That Section 3.g. of the Policies and Procedures read as follows:

Agreements Required. Applicant will be required to enter into all necessary agreements incident to CFD proceedings in a form provided by the City and consistent with these Policies and Procedures. These agreements may include, but not be limited to:

- (1) Acquisition and Shortfall Agreement
- (2) Advanced Funding Agreement
- (3) Land Dedication Agreement (where required)
- (4) Acquisition and Disclosure Agreement
- (5) Disposition and Development Agreement (where required)
- (6) Development Agreement
- (7) Other agreements (as required)

2. That Section 3.k. of the Policies and Procedures read as follows:

In retaining construction contractors for work which is reimbursable by a City of Modesto Community Facilities District ("CFD"), the developer shall abide by the following bid process:

1. Using a bid package approved by the City, the developer shall advertise for bids in the appropriate newspapers and periodicals, including but not limited to the local Builders Exchange and the Modesto Bee. Bid opening shall be no sooner than 7 days after the initial publication.
2. The bid package shall include, and be based upon, improvement plans as stamped approved by the City Engineer or his or her designee ("City Engineer"), and the Community Facilities District Engineer or his or her designee ("District Engineer"). The bid package may not contain any alterations, deviations or exceptions to the improvement plans, unless the alteration, deviation or exception is approved in writing by the District Engineer and is advertised for a reasonable period prior to the bid opening.
3. The developer shall only accept bids using a bid proposal form approved by the City. The developer shall ensure that copies of the form are made available to prospective bidders at a local business office located within Stanislaus County during reasonable business hours throughout the bid advertising period. Contractors interested in submitting sealed bids for the project will be directed to do so on the approved form and at a specific date and time (e.g., at 9 a.m. on February 1, 2004, at the developer's place of business) . At this specified time, the District Engineer may be in attendance to receive the bid packages.
4. The bid packages will be opened immediately after the close of the specified time period. The bid opening shall be open to the public and may be in the presence of the District Engineer. All bids will be publicly announced at the bid opening. The developer will then begin the process of executing a contract with the lowest responsible bidder.

If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the District Engineer. The District Engineer may allow this if the developer can provide adequate justification.

5. The developer shall insure that all contractors and subcontractors are licensed in accordance with sections 7000 through 7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed.
6. In accordance with California Labor Code section 1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the District Engineer, Developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The CFD shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, Section 4.19, for the work performed unless the District Engineer authorizes the use of overtime or legal holiday time, in advance and in writing.
7. The District Engineer shall retain the right to be in attendance to receive the bid package, or to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the District Engineer in advance and in writing. In the case of an emergency, any such charges may be authorized by the District Engineer if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.
8. No permits shall be issued and no work shall commence until the developer and the District Administrator have executed an Acquisition and Shortfall Agreement for the improvements to be constructed.
9. The developer shall maintain certified payroll records for all labor costs incurred on all CFD reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the CFD or any state regulatory agency for review, audit, inspection or copying upon request.

10. Developer shall indemnify and hold the City and the CFD harmless for ensuring that the project is bid and constructed in accordance with City and CFD standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City and the CFD harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.

11. Developer may be reimbursed for design costs incurred prior to the execution of an Acquisition and Shortfall Agreement for completed and accepted, CFD-funded facilities as determined and approved by the CFD Administrator and the CFD Engineer.

3. That Section 3.u. of the Policies and Procedures read as follows:

Based on substantial evidence presented to the City Council, it is determined that advance deposits in the following sums must be received in all cases, whether reimbursable or not, prior to an applicant's application for a CFD being deemed complete by the CFD Formation Group.

- (1) A CFD is to be created at applicant's request and where bonds are issued - \$64,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
- (2) A CFD is to be created at applicant's request and where bonds are not to be issued - \$64,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
- (3) In the case of the creation of a "simple" annexation to an existing CFD, which does not require the preparation of a new public report, or the alteration of an existing Public Report or modification of any other CFD-related document for the existing CFD, and the annexation does not involve the sale of bonds - \$9,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.

- (4) In the case of the creation of a "complex" annexation to an existing CFD, which requires an amendment to or modification of a Public Report or other CFD-related document, and the annexation does not require the sale of bond - \$20,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Byant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
MICHAEL MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-173**

**A RESOLUTION OF CONSIDERATION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE), TO AMEND THE EXISTING RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

WHEREAS, the City Council of the City of Modesto (the “City Council”), acting as the legislative body of the City of Modesto Community Facilities District No. 2003-01 (Fairview Village) (the “District”), has determined that the rate and method of apportionment of the special tax (the “Existing Rate and Method”), currently described in Ordinance No. 2003-3339 adopted by the City Council on December 11, 2003 (“Ordinance No. 3339”) and approved by the qualified electors within the District at a special election held on December 11, 2003 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the “Act”), should be changed and replaced by a new rate and method of apportionment as set forth in **Appendix A** hereto (the “Amended Rate and Method”); and

WHEREAS, the boundaries of the District are as depicted on the boundary map recorded with the County Recorder in the book of maps of assessment and community facilities districts in Book No. 3AM, at Page 83, as Instrument No. 03-0190347 (the “Map”); and

WHEREAS, the City Council has determined in accordance with the requirements of Section 53331 of the Act that the public convenience and necessity require the District to consider the Amended Rate and Method; and

WHEREAS, the City Council now deems it appropriate, in light of the foregoing, and intends, to take the initial steps necessary to consider the proposed Amended Rate and Method by adopting this resolution as required by Section 53334 of the Act;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The Existing Rate and Method is proposed to be replaced with the Amended Rate and Method attached hereto as Appendix A. If this change is approved, the Amended Rate and Method Amendment will replace the Existing Rate and Method.

SECTION 3. A public hearing (the "Hearing") on the Amended Rate and Method shall be held at 5:30 p.m., or as soon thereafter as practicable, on May 11, 2004, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 95353. Should the City Council determine to submit the Amended Rate and Method to the qualified electors of the District following the Hearing, a special election will be held to authorize the Amended Rate and Method. If the election is held, the proposed voting procedure at the election would be a landowner vote with each landowner who is the owner of record at the close of the Hearing, or authorized representative thereof, having one vote for each acre or portion of an acre of land that he or she owns within the District, or if at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the District for each of the 90 days preceding the close of the Hearing, then the vote shall be by the registered voters of the District, with each voter having one vote. Ballots for the special election may be distributed by mail or by personal service.

SECTION 4. At the time and place set forth above for the Hearing, the City Council, acting in its capacity as the legislative body of the District, shall receive testimony as to whether the Amended Rate and Method should be adopted. The officers of the City responsible for the operation of the District are hereby directed to prepare a report describing the Amended Rate and Method to be submitted to the City Council at the time of the Hearing.

SECTION 5. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the District, may appear and be heard.

SECTION 6. The City Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the District. The Notice shall contain the information required by Section 53335 of the Act, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners to the Amended Rate and Method and a description of the proposed voting procedure for the election required by the Act. Such publication shall be completed at least seven (7) days prior to the date of the Hearing.

SECTION 7. The City Clerk is hereby directed to send a copy of the Notice of the Hearing by first-class mail, postage prepaid, to each landowner within the District as shown on the last equalized assessment roll, or otherwise known to the City Clerk to be a current owner of land within the District. Said mailing shall be completed not less than fifteen (15) days prior to the date of the Hearing.

SECTION 8. This Resolution shall be effective on its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Byant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**APPENDIX A**

**PROPOSED AMENDED AND RESTATED RATE AND METHOD OF  
APPORTIONMENT FOR THE CITY OF MODESTO COMMUNITY  
FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE)**

## APPENDIX C

### CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE)

#### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2003-1 (Fairview Village) [herein "CFD No. 2003-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2003-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2003-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City carrying out its duties with respect to CFD No. 2003-1 and the Bonds, including, but not limited to, levying and collecting the Special Taxes, the fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Taxes, costs associated with complying with any continuing disclosure requirements for the Bonds and the Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

**"Administrator"** means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Tax.

**“Annual Maintenance Special Tax”** means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

**“Annual Facilities Special Tax”** means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below,

**“Annual Facilities Special Tax Requirement”** means the amount necessary in any Fiscal Year (i) to pay principal and interest on Bonds, (ii) to create or replenish reserve funds, (iii) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2003-1 which have occurred in the prior Fiscal Year or (based on delinquencies in the payment of the Annual Facilities Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) to pay construction expenses to be funded directly from Annual Facility Special Tax proceeds. The amounts referred to in clauses (i) and (ii) of the preceding sentence may be reduced in any Fiscal Year by: (i) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to a Bond indenture, Bond resolution, or other legal document that sets forth these terms; (ii) proceeds received by CFD No. 2003-1 from the collection of penalties associated with delinquent Annual Facilities Special Taxes; and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

**“Assessor’s Parcel”** or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

**“Assessor’s Parcel Map”** means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

**“Bonds”** means bonds or other debt (as defined in the Act), whether in one or more series, issued, insured or assumed by CFD No. 2003-1 related to public-infrastructure and/or improvements that are authorized to be funded by CFD No. 2003-1.

**“Capitalized Interest”** means funds in any capitalized interest account available to pay debt service on Bonds.

**“CFD Formation”** means the date on which the Resolution of Formation to form CFD No. 2003-1 was adopted by the City Council.

**“City”** means the City of Modesto.

**“City Council”** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2003-1.

**“County”** means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

*For purposes of levying the Annual Maintenance Special Tax, “Developed Property” means:*

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year
- for Single Family Attached Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year.
- for Other Property, all parcels for which a building permit for new construction of a building structure was issued prior to June 30 of the preceding Fiscal Year.

*For purposes of levying the Annual Facilities Special Tax, “Developed Property” means:*

- for Single Family Detached Property, all Parcels for which a building permit for new construction of a Unit was issued prior to June 30 of the preceding Fiscal Year
- for Single Family Attached Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year.
- for Other Property, all parcels for which a building permit for new construction of a building structure was issued prior to June 30 of the preceding Fiscal Year.

“Development Plan” means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

“Final Map” means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term “Final Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create lots in that are in their final configuration, including Assessor’s Parcels that are designated as remainder parcels.

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

“Maintenance Special Tax Requirement” means that amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2003-1, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

**“Maximum One-Time Facilities Special Tax”** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Annual Facilities Special Tax”** means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Annual Maintenance Special Tax”** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Special Taxes”** means, collectively, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

**“One-Time Facilities Special Tax”** means a special tax, levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement and collected by the City prior to a structural building permit being issued for new construction on Taxable Property.

**“One-Time Facilities Special Tax Requirement”** means the amount determined by the City and identified in Attachment 2 of this Rate and Method of Apportionment that is needed to pay facility costs authorized to be funded by CFD No. 2003-1, which will not be paid by the Bonds or Annual Facilities Special Tax.

**“Original Parcel”** means an Assessor’s Parcel in CFD No. 2003-1 at the time of CFD Formation, as identified in Attachment 2. A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C.

**“Other Property”** means all Taxable Property that is Developed Property but is not Single Family Attached Property or Single Family Detached Property.

**“Proportionately”** means, for Developed Property, that the ratio of the actual Annual Facilities Special Tax and Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property, respectively. In addition, for Undeveloped Property, “Proportionately” means that the ratio of the actual Annual Facilities Special Tax and actual Annual Maintenance Facilities Special Tax to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax is equal for all Assessor’s Parcels of Undeveloped Property, respectively.

**“Public Property”** means any property within the boundaries of CFD No. 2003-1 that is owned by the federal government, State of California, County, City, or other public agency.

**“Single Family Attached Property”** means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

**“Single Family Detached Lot”** means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached Unit.

**“Single Family Detached Property”** means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued or will be issued for construction of a Unit that does not share a common wall with another Unit.

**“Special Taxes”** means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**“Subdivision Map”** means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

**“Successor Parcel”** means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

**“Taxable Property”** means all of the Assessor’s Parcels within the boundaries of CFD No. 2003-1 which are not exempt from the Special Tax pursuant to law or Section G below.

**“Taxable Public Property”** means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2003-1 that, (i) based on a tentative map or other Development Plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

**“Tax Zone”** means a mutually exclusive geographic area, within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment of Special Tax. Attachment 1 identifies the Tax Zone in CFD No. 2003-1 at CFD Formation; additional Tax Zones may be created when property is annexed into the CFD.

**“Tax Zone #1”** means the geographic area that was identified in Fiscal Year 2003-04 by Assessor’s Parcel number 56-27-02 and is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #1.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2003-1 that are not Developed Property.

**“Unit”** means (i) for Single Family Detached Property, an individual single-family detached unit, and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex,

fourplex, townhome, or condominium structure.

## **B. DATA FOR ANNUAL ADMINISTRATION**

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property. The Administrator shall also determine: (i) the Tax Zone within which each Parcel of Taxable Property is located, (ii) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) for Developed Property, which Parcels are Single Family Detached Property, Single Family Attached Property, and Other Property, (iv) for Parcels of Single Family Attached Property, the number of Units on each Parcel, (v) for Other Property, the Acreage of each Parcel, and (vi) the One-Time Facilities Special Tax Requirement, the Annual Facilities Special Tax Requirement, and the Maintenance Special Tax Requirement.

For Single Family Attached Property, the number of Units shall be determined by referencing the relevant Development Plan. If, in any Fiscal Year, an Assessor's Parcel includes both Developed Property and Undeveloped Property, the Administrator shall determine the acreage associated with the Developed Property, subtract this acreage from the total Acreage of the Assessor's Parcel, and use the remaining acreage to calculate the Special Tax that will apply to Undeveloped Property within the Assessor's Parcel. The Special Tax shall then be calculated for the Developed Property on the Parcel, and the total Special Tax levied on the Assessor's Parcel shall be the sum of the Special Taxes determined separately for the Undeveloped Property and Developed Property on the Parcel.

## **C. CALCULATING THE MAXIMUM SPECIAL TAXES**

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in CFD No. 2003-1 in each Fiscal Year, including the Maximum One-Time Facilities Special Tax, Annual Facilities Special Tax, and Annual Maintenance Special Tax.

### **1. Original Parcels**

The Maximum Special Taxes for each Original Parcel in CFD No. 2003-1 as of CFD Formation are identified in Attachment 2. Attachment 2 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations.

### **2. Successor Parcels**

#### ***a. All Successor Parcels are Single Family Detached Lots***

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels created by the subdivision:

- Step 1:** Identify the Maximum Special Taxes assigned to the Original Parcel;
- Step 2:** Divide the Maximum Special Taxes from Step 1 by the number of Single Family Detached Lots created by the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

**b. *No Successor Parcels are Single Family Detached Lots***

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

- Step 1:** Identify the Maximum Special Taxes assigned to the Original Parcel;
- Step 2:** Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;
- Step 3:** Divide the Maximum Special Taxes from Step 1 by the Acreage from Step 2 to calculate Maximum Special Taxes per acre;
- Step 4:** Multiply the per-acre Maximum Special Taxes from Step 3 by the Acreage in each Successor Parcel to calculate the Maximum Special Taxes for each Successor Parcel.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**c. *Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

- Step 1:** Identify the Maximum Special Taxes assigned to the Original Parcel;
- Step 2:** Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

- Step 3:** Determine the total Acreage of Single Family Detached Property created by the subdivision by taking the sum of the Acreage in the individual Single Family Detached Lots;
- Step 4:** Divide the Maximum Special Taxes from Step 1 by the Acreage calculated in Step 2 to calculate Maximum Special Taxes per acre;
- Step 5:** Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of Single Family Detached Property calculated in Step 3 to determine the total Maximum Special Taxes to be assigned to the Single Family Detached Property created by the subdivision;
- Step 6:** Divide the amount calculated in Step 5 by the number of Single Family Detached Lots created by the subdivision to determine the Maximum Special Taxes for each Single Family Detached Lot;
- Step 7:** Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of each Successor Parcel that is not Single Family Detached Property to calculate the Maximum Special Taxes for such Parcels.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

#### **D. ESCALATION OF MAXIMUM SPECIAL TAXES**

##### **1. One-Time Facilities Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

**2. Annual Facilities Special Tax**

Beginning with Fiscal Year 2005-06, and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

**3. Annual Maintenance Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

**E. METHOD OF LEVY OF THE SPECIAL TAX**

**1. One-Time Facilities Special Tax**

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2003-1 and shall be collected as set forth in Section F below.

**2. Annual Facilities Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for that Fiscal Year. The Annual Facilities Special Tax shall then be levied on all Parcels of Taxable Property as follows:

*Step 1:* The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year;

*Step 2:* If additional revenue is needed after Step 1, and after applying Capitalized Interest to the Annual Facilities Special Tax Requirement, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

*Step 3:* If additional revenue is needed after applying the first two steps, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Facilities Special Tax assigned to each Parcel of Taxable Public Property.

### **3. Annual Maintenance Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

*Step 1:* The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

*Step 2:* If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

*Step 3:* If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

## **F. COLLECTION OF SPECIAL TAX**

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2003-1, and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax for CFD No. 2003-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring authorized facilities from Annual Facilities

Special Tax proceeds have been paid, and all administrative expenses have been reimbursed. However, in no event shall an Annual Facilities Special Tax be levied after Fiscal Year 2050-2051. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

#### G. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on Public Property, except Taxable Public Property, as defined herein.

#### H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

**“Outstanding Bonds”** means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

**“Previously Issued Bonds”** means all Bonds that have been issued on behalf of the CFD prior to the date of prepayment.

**“Public Facilities Requirements”** means either \$3,800,000 in 2004 dollars, which shall increase on January 1, 2005, and on each January 1 thereafter by the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or such lower number as shall be determined by the City as sufficient to fund improvements that are authorized to be funded by the CFD. The Public Facilities Requirements shown above may be adjusted or a separate Public Facilities Requirements identified each time property annexes into CFD No. 2003-1; at no time shall the added Public Facilities Requirement for that annexation area exceed the amount of public improvement costs that are expected to be supportable by the Maximum Annual Facilities Special Tax revenues generated within that annexation area.

**“Remaining Facilities Costs”** means the Public Facilities Requirements (as defined above), minus public facility costs funded by Outstanding Bonds (as defined above), developer equity, and/or any other source of funding.

The Annual Facilities Special Tax obligation applicable to an Assessor's Parcel in the CFD may be prepaid and the obligation of the Assessor's Parcel to pay the Annual Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Annual Facilities Special Taxes with respect to such Assessor's Parcel at the time of prepayment. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor's Parcel intending to prepay the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor's Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1. Compute the total Maximum Annual Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2. Divide the Maximum Annual Facilities Special Tax from Step 1 by the total amount that could be collected if the Maximum Annual Facilities Special Tax was levied on all Parcels of Taxable Property in the CFD.
- Step 3. Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the "Bond Redemption Amount"*).
- Step 4. Compute the current Remaining Facilities Costs (if any).
- Step 5. Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (*the "Remaining Facilities Amount"*).
- Step 6. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "Redemption Premium"*).

- Step 7.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds, which, depending on the Bond offering document, may be as early as the next interest payment date.
- Step 8:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (the "*Defeasance Requirement*").
- Step 10.** Determine the costs of computing the prepayment amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the "*Administrative Fees and Expenses*").
- Step 11.** If and to the extent so provided in the indenture pursuant to which the Outstanding Bonds to be redeemed were issued, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "*Reserve Fund Credit*").
- Step 12.** The Annual Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (the "*Prepayment Amount*").

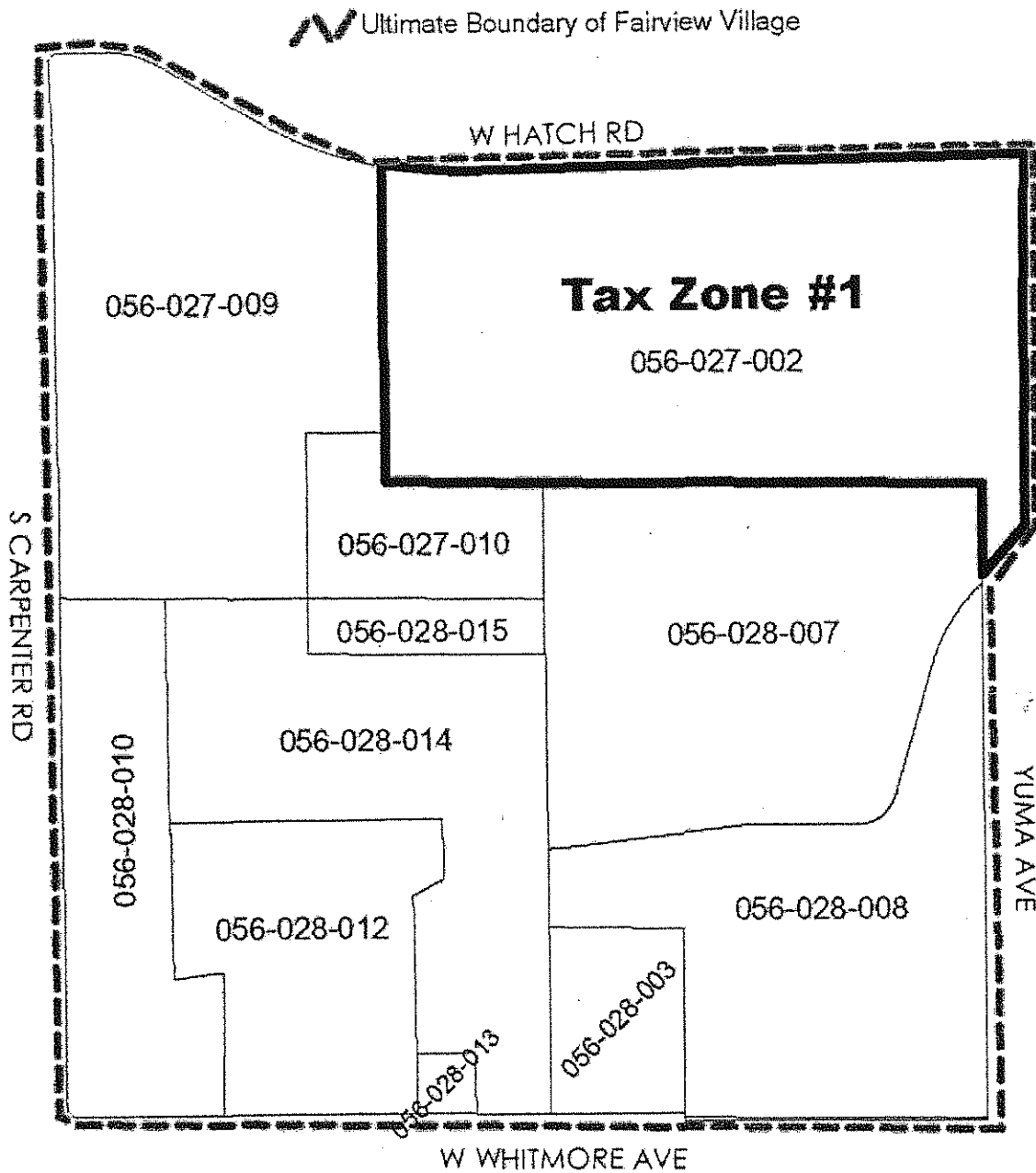
## **I. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning the Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Tax.

ATTACHMENT 1

CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2003-1  
(FAIRVIEW VILLAGE)

IDENTIFICATION OF TAX ZONES



**ATTACHMENT 2**

**CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2003-1  
(FAIRVIEW VILLAGE)**

**MAXIMUM SPECIAL TAXES ASSIGNED TO EACH ORIGINAL PARCEL WITHIN  
EACH TAX ZONE**

Tax Zone	APN	Fiscal Year 2004-05 Maximum One- Time Facilities Special Tax [1]	Fiscal Year 2004-05 Maximum Annual Facilities Special Tax [2]	Fiscal Year 2004-05 Maximum Annual Maintenance Special Tax [3]
1	56-27-02	\$0	\$326,517	\$108,585

1. Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.
  
2. Beginning in Fiscal Year 2005-06 and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax shall escalate by 2.0% of the amount in effect in the prior Fiscal Year.
  
3. Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-174**

**A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND SHELDON GROVER (APN: 005-3707 – PORTION), MATTHEW AND ANNE LONG (APN: 005-3708 – PORTION) AND ROBERT AND LYNNA CAMPANA (APN: 005-3709 – PORTION) FOR THE ACQUISITION OF PROPERTIES ALONG RUMBLE ROAD FOR THE RUMBLE ROAD WIDENING PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS.**

WHEREAS, the City Council of the City of Modesto approved the Rumble Road Widening Project – Rumble/Conant Improvements (“Project”) to extend the sidewalk improvements along Rumble Road as part of the City’s Capital Improvement Program projects, and

WHEREAS, certain real property needs to be acquired for said Project which properties are identified as portions of Assessor’s Parcel Nos: 005-3707; 005-3708; 005-3709, and which properties are owned by Sheldon Grover, Matthew and Anne Long and Robert and Lynna Campana, respectively, and

WHEREAS, an agreement is needed for the acquisition of the needed real property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreements between City of Modesto and Sheldon Grover, Matthew and Anne Long and Robert and Lynna Campana for the Rumble Road Widening Project are hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreements by the City Manager or his designee on behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

Approved as to Form:

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-175**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY SHELDON GROVER (APN: 005-3707 – PORTION), MATTHEW AND ANNE LONG (APN: 005-3708 – PORTION) AND ROBERT AND LYNNA CAMPANA (APN: 005-3709 – PORTION) TO THE CITY OF MODESTO FOR PROPERTY ALONG RUMBLE ROAD FOR THE RUMBLE ROAD WIDENING PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire real property from Sheldon Grover (APN: 005-3707 – portion), Matthew and Anne Long (APN: 005-3708 – portion) and Robert and Lynna Campana (APN: 005-3709 – portion) for property along Rumble Road for the Rumble Road Widening Project

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized to sign a Certificate of Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of property for the Rumble Road Widening Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized and directed to sign any and all documents related to the purchase of real property on behalf of the City of Modesto as it is required for the acquisition of the property for the Rumble Road Widening Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Jean Zahr*  
JEAN ZAHR, City Clerk

Approved as to Form:

*Mike Milich*  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 176**

**A RESOLUTION ACCEPTING THE PURCHASE AGREEMENT IN THE AMOUNT OF \$929,000 FROM SYLVAN UNION SCHOOL DISTRICT FOR THE SALE OF A PORTION OF A PARCEL (FUTURE SITE OF FREEDOM PARK) LOCATED ALONG SHARON AVENUE (APN: 085-0721) WITHIN THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS TO COMPLETE SAID SALE ON BEHALF OF THE CITY OF MODESTO**

WHEREAS, the City Council has determined that a portion of the parcel of land (“Portion”) owned by the City of Modesto and located along Sharon Avenue within the City of Modesto (Assessors Parcel Number 085-0721) is excess to the City’s future park needs, and

WHEREAS, said Portion consists of 4.22 acres and is a part of a larger parkland parcel consisting of 12.6 acres. Said Portion is more particularly described in “Exhibit A”, which is attached hereto and made a part hereof by this reference, and

WHEREAS, on October 28, 2003, the Council declared said Portion of said parkland excess to the City’s needs and directed staff to offer said Portion for sale and in accordance with Government Code §54222, staff offered said Portion to the Sylvan Union School District who expressed interest in acquiring said Portion, and

WHEREAS, the City negotiated with Sylvan Union School District representatives which action has resulted in an offer in the amount of Nine Hundred, Twenty-Nine Thousand Dollars and No Cents (\$929,000) from Sylvan Union School District. Said Purchase Agreement (“Exhibit B”) is attached hereto and made a part hereof by this reference, and

WHEREAS, City has determined that said offer is reasonable.

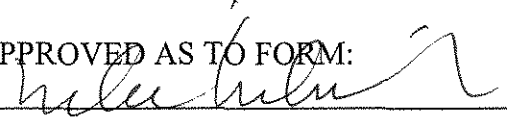
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that said Purchase Agreement and offer from Sylvan Union School District is hereby accepted for the sale of a portion of Assessors Parcel Number 085-0721, as set forth in "Exhibit A".

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the grant deed and any property-related documents in order to sell said property on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Byant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
JEAN ZAHR, City Clerk

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
(PARCEL TO BE GRANTED)**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, BEING A PORTION OF LOTS 10 AND 11, AS SAID LOTS ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "ADAM'S COLONY" FILED FOR RECORD ON OCTOBER 21, 1908 IN BOOK 4 OF MAPS AT PAGE 5, STANISLAUS COUNTY RECORDS, STATE OF CALIFORNIA, AND BEING A PORTION OF THE LANDS CONVEYED TO THE CITY OF MODESTO AS SAID LANDS ARE DESCRIBED IN THE GRANT DEED RECORDED ON MARCH 3, 1992 IN DOCUMENT NO. 018683 OF THE OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 11, AT THE SOUTHWEST CORNER OF SAID LANDS OF THE CITY OF MODESTO; THENCE ALONG THE WEST LINE OF SAID LOTS 10 AND 11 AND ALONG THE WEST LINE OF SAID LANDS OF THE CITY OF MODESTO, NORTH 0°58'30" WEST, A DISTANCE OF 266.53 FEET; THENCE LEAVING SAID WEST LINE AND ALONG A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID LANDS OF THE CITY OF MODESTO, NORTH 89°19'33" EAST, A DISTANCE OF 688.87 FEET TO A POINT ON THE EAST LINE OF SAID LANDS OF THE CITY OF MODESTO; THENCE ALONG SAID EAST LINE, SOUTH 0°55'00" EAST, A DISTANCE OF 266.53 FEET TO THE SOUTHEAST CORNER OF SAID LANDS OF THE CITY OF MODESTO; THENCE ALONG THE SOUTH LINE OF SAID LANDS OF THE CITY OF MODESTO, SOUTH 89°19'33" WEST, A DISTANCE OF 688.60 FEET TO THE POINT OF BEGINNING.

(CONTAINING 4.214 ACRES MORE OR LESS.)

# EXHIBIT B

## AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS OF BUYER AND SELLER

THIS AGREEMENT is made this \_\_\_\_\_ day of April, 2004, by and between City of Modesto, a municipal corporation, an individual (hereinafter "Seller"), and the Sylvan School District ("Buyer").

### RECITALS

WHEREAS, Seller is the owner of a 4.22 acre parcel of property, hereinafter described, which is located in the City of Modesto, County of Stanislaus, State of California; and

WHEREAS, Buyer desires to acquire said property and Seller desires to sell said property on and subject to the terms and conditions contained herein.

### OPERATIVE PROVISIONS

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, Seller and Buyer agree as follows:

#### ARTICLE 1

##### ASSETS PURCHASED

Seller hereby agrees to sell and convey to Buyer and Buyer agrees to purchase from Seller, subject to the terms and conditions set forth herein, the following:

- 1.1 The Real Property described in Exhibit A and shown on Exhibit B, including all mineral and subsurface rights, if any, and all improvements located thereon;
- 1.2 All rights, privileges and easements appurtenant to the Real Property, (all of which are collectively referred to as the "Appurtenances").
- 1.3 The Real Property, the Appurtenances, Easements and Improvements are hereinafter collectively referred to as the "Property."

## ARTICLE 2

### TERMS

2.1 The Purchase Price. The purchase price for the Property shall be nine hundred twenty-nine thousand dollars (\$929,000) ("Purchase Price").

2.2 Terms. The Purchase Price shall be paid as follows:

a. Deposit. Within five (5) days of execution of this Agreement, Buyer shall deposit the sum of fifty thousand dollars (\$50,000) (the "Deposit") in escrow with Fidelity National Title Company, 3425 Coffee Road, Suite C, Modesto CA 95355 (the "Escrow Holder"). The Deposit shall be held in an interest bearing account and the interest accruing thereon shall be held for the account of Buyer.

b. Balance of Purchase Price. Within three (3) days prior to close of escrow Buyer shall deposit with the Escrow Holder, for delivery to Seller at the close of escrow, the balance of the Purchase Price in immediately available funds.

c. Payment of Balance Upon Closing. At the close of escrow ("Closing"), the Deposit and the balance of the Purchase Price, less any amount owed to Buyer in accordance with the terms of this Agreement, shall be paid by Escrow Holder to or at the direction of Seller on account of the Purchase Price.

d. Closing Costs. At least three (3) days prior to the Closing Date, Buyer shall deposit or cause to be deposited with Escrow Holder, in cash or a certified, bank cashier's or treasury check made payable to Escrow Holder or a confirmed wire transfer of funds, the amount of Escrow Holder's estimate of Buyer's share of closing costs, prorations and charges payable pursuant to this Agreement.

e. Grant Deed. Seller shall deposit the Grant Deed described herein into escrow prior to the close of escrow.

f. Preliminary Title Report. Within fifteen (15) days after the opening of escrow, Escrow Holder shall deliver to Buyer a Preliminary Title Report for the Property accompanied by legible copies of all documents referred to in the Report along with plotted easements.

2.3 Conveyance of Title. At the Closing, Seller shall convey to Buyer title to the Property in fee simple by recordation of the Grant Deed as defined herein, clear of all title defects, liens, assessments, encumbrances, easements, deeds of trust and mortgages except the lien for real property taxes, if any, for the current fiscal year not yet due, any assessments for which the Buyer will remain liable as a public agency, if any, for the current fiscal year not yet due, and such exceptions to title as Buyer shall approve pursuant to Section 3.1.

2.4 Issuance of Title Insurance. Evidence of title to the Property shall be the issuance at Closing by Fidelity National Title Company, 3425 Coffee Road, Suite C, Modesto, CA 95355 (the "Title Company") of an ALTA owner's policy of title insurance in the full amount of the Purchase Price, insuring fee simple title to the Property in the condition required by Section 2.3 and containing such endorsements as Buyer shall require. Indemnification of the Title Company to induce it to insure any otherwise unpermitted exception to title shall not be allowed except with the prior consent of Buyer after full disclosure to Buyer of the nature and substance of such exception and indemnity.

## ARTICLE 3

### CONDITIONS TO CLOSE

3.1 Conditions to Buyer's Obligation. Buyer's obligation to purchase the Property under this Agreement is subject to the fulfillment of each of the following conditions, each of which is for the benefit of Buyer and any or all of which may be waived by Buyer in writing at its option:

- a. Delivery of Title. Delivery of title to the Property in the condition required by Section 2.3.
- b. Issuance of an ALTA Policy of Title Insurance. Issuance of an ALTA owner's policy of title insurance in the full amount of the Purchase Price for the Property with only those exceptions which are acceptable to Buyer, accompanied by legible copies of all documents referred to in the report.
- c. Survey. Seller shall provide a survey of the Property to be paid for by Seller prepared by a licensed surveyor or civil engineer in sufficient detail to provide for the policy of title insurance described and required in Section 2.4 above, certified to Buyer and the Title Company in form satisfactory to Buyer without boundary, encroachment, or survey expectations which shall show the location of all easements and improvements. A copy of the survey shall be provided to Buyer and Title Company when complete.
- d. State and Local Regulatory Agencies' Approval. Unconditional acceptance and approval of Buyer's purchase of the Property by appropriate state and local regulatory agencies, including, but not limited to, the California Department of Toxic Substances Control, the California Department of Education, California Department of Conservation, the State Allocation Board, and the Office of Public School Construction.

e. Board of Trustees Acceptance of Purchase. Final acceptance and approval of any final inspections, reports, or analyses prepared by any of the regulatory agencies referred to in Section 3.1(d) or any other regulatory agency with any jurisdiction over the property and its future development as a school site, including approval of requirements imposed by such agencies that Buyer remediate or remove hazardous substances on the Property prior to its use as a school site.

f. Environmental Compliance by Buyer. Determination by Buyer that the Property complies with all federal, state and local environmental requirements applicable for use of the Property as a school site including without limitation, the California Environmental Quality Act, permits, mitigation and monitoring plans, geological and soil engineering investigations, hazardous waste and hazardous air emissions, and completion of any applicable environmental site assessments in compliance with Education Code sections 17213.1, et seq. Any environmental assessment of the Property shall be performed at the expense of Buyer. If the Property is not acceptable to Buyer because of the results of any environmental assessment required by the aforementioned statutes, the provisions of section 3.6 (a) shall apply. Seller shall have no obligation to perform any work of remediation in connection with or resulting from information obtained through any assessments performed.

g. Approval of Condition of Property. Final approval of the Condition of Property by Buyer.

1. Feasibility Review. Buyer shall analyze the feasibility of development of the Property by Buyer. Buyer shall be solely responsible for any and all costs incurred by Buyer in connection with its review and/or investigations of the Property.

2. Delivery of Project Documents. Unless Seller is not in possession of the following, which shall be evidenced by Seller's written notice to Buyer of the same, Seller shall, within fifteen (15) days of the execution of this Agreement, deliver to Buyer any and all documents and information related to the Property which is in the possession of Seller or Seller's agents, including any: (1) environmental documents on the Property or any adjacent property owned or controlled by Seller; (2) copies of all documents evidencing interests not shown on the Title Report, if any; (3) development agreements, tract map conditions of approval, grading and engineering studies and plans, soils reports, environmental studies, impact reports or negative declarations, traffic, noise, and drainage studies, subdivision maps, improvements plans, improvement agreements and bonds, if any; (4) permission for Buyer to discuss the Property with Seller's consultants; and (5) any existing leases and amendments relating to the Property. Buyer shall review and analyze the Project Documents to determine their individual and collective impact on the Property and its development by Buyer.

3. Studies and Investigations. Buyer shall conduct such independent investigations, studies and tests as it deems necessary or appropriate concerning Buyer's proposed use and/or the suitability of the Property for Buyer's intended purposes, including studies related to requirements or limitations imposed on the use of the Property.

4. Approval or Disapproval of Feasibility Studies. Buyer's obligation to consummate the purchase of the Property is conditioned upon delivery of the written approval of the Property to the Escrow Holder by Buyer prior to the Closing.

3.2 a. Seller's Obligations. Seller shall have timely performed all of the obligations required by the terms of this Agreement to be performed by Seller.

b. Seller's Representations. To the best of Seller's knowledge, all representations and warranties made by Seller to Buyer in this Agreement shall be true and correct as of the Closing.

3.3 Condition of Property. Seller represents and warrants that it is not aware of the existence of any defect or condition which would prevent the use of the Property, including, but not limited to, the condition of the soil, the existence of geologic hazards or groundwater contamination on the Property, the existence of ecological or environmental impediments to the intended use of the Property, the transfer of any water rights which are appurtenant to the Property and the existence of any hazardous or toxic materials on, beneath the surface, or in the vicinity of the Property at levels requiring remediation or removal under existing applicable laws. Buyer shall pay for removal of hazardous or toxic materials on the Property, including residual pesticides, herbicides, underground storage tanks and any other substances required to be removed as a condition of acquisition of the Property by any state or local agency with jurisdiction over the Property, and the remediation costs of such removal shall be deducted from the Purchase Price. Remediation costs to be deducted from the Purchase Price shall include the cost of all appropriate or requisite licenses, permits, inspections, clearances, and air monitoring.

3.4 Warranties of Title. Seller warrants and represents that:

a. No Pending Litigation. To Seller's actual knowledge, there are no actions, suits or proceedings pending or threatened against or affecting the Property in any court at law or in equity, or before or by any governmental department, commission, board, bureau, agency or instrumentality relating to the Property.

b. Contracts Concerning the Property. That Seller has received no notice of any contracts, licenses, commitments, or undertakings respecting the Property or the

performance of services on the Property, or the use of the Property or any part of it by which Buyer would become obligated or liable to any person.

c. Violations. That Seller has not received any notice of any violation of any statute, ordinance, regulation or administrative or judicial order or holding, whether or not appearing in public records, with respect to the Property or any improvements on the Property.

d. Material Defects. Seller has not received any notice that any material defect in the Property exists at present or as of the Closing.

e. Easements Not of Record. Seller has no knowledge, actual or constructive, and has not received any notice of the title to be conveyed to Buyer being encumbered by any easements, licenses, or other rights not disclosed by the public record.

f. Status of Title. As a covenant that will survive the Closing, Seller warrants that it is the sole owner of the Property, free and clear of all liens, claims, encumbrances and/or easements, encroachments on the Property from adjacent properties, encroachments by improvements or vegetation of the Property onto adjacent property, or rights of way of any nature. Any and all financial or monetary liens, claims and/or encumbrances shall be satisfied by Seller to the extent required by Section 5.3.

g. Hazardous Material. As a covenant that will survive the Closing, Seller warrants that Seller has no personal knowledge of, either actual or constructive, and has not received any notice, actual or constructive, from any local, state or federal agency of any hazardous material of any type or nature, solid, liquid or gaseous, which exists or has existed above, on, or beneath the Property prior to the date of Closing, including but not limited to, residual pesticides, herbicides and underground storage tanks, damages consequent to their existence on the Property and attorneys fees and costs of litigation arising from any such claims.

Seller shall indemnify and hold Buyer harmless from any and all claims, including third party claims, resulting from the presence of hazardous material above, on or beneath the Property, which was deposited prior to the date of Closing, including but not limited to the cost of removal of all hazardous materials from the Property, residual pesticides, herbicides and underground storage tanks, damages consequent to their existence on the Property and attorneys fees and costs of litigation arising from any such claims. Seller agrees to provide and disclose to Buyer within fifteen (15) days of execution of the Agreement any and all documents in Seller's possession regarding the existence, use, application or removal of hazardous substances on or from the Property including any and all disclosures by current and former tenants of Seller of the use or presence of hazardous materials on or in the vicinity of the Property.

3.5 a. Conditions to Benefit Buyer. The conditions contained in Sections 3.1, through 3.4 are intended solely for the benefit of Buyer. If the Seller is unable to deliver title to the Property, and the Property as required herein, or the conditions described in Sections 3.1 through 3.4 are not satisfied, Buyer shall have the right at its sole election, either to proceed with the purchase of the Property in accordance with the terms hereof, or, in the alternative, to terminate this Agreement and obtain a refund of the deposit plus all interest accrued thereon. In the event Buyer elects to terminate this Agreement for the reasons provided herein, Buyer shall pay any title and escrow charges, and neither party shall have any further rights or obligations under this Agreement.

b. Conditions to Benefit Seller. Seller's Conditions to Close contained in paragraph 3.6 are for the benefit of Seller, and should Buyer fail to timely comply with the Seller's Conditions to Close, Seller may, in its sole discretion, terminate this Agreement and retain the Liquidated Damages as provided in Section 7. In the event Seller elects to terminate

this Agreement for failure of Buyer to satisfy Seller's conditions to close as provided herein, Buyer shall pay any title and escrow charges.

3.6 Conditions to Seller's Obligation. For the benefit of Seller, the Closing shall be conditioned upon the occurrence and/or satisfaction of each of the following conditions (or Seller's written waiver thereof, it being agreed that Seller may waive any or all of such conditions):

a. Buyer's Obligations. Buyer shall have performed by the Closing, all of the obligations required by the terms of this Agreement to be performed by Buyer.

b. Buyer's Representations. All representations and warranties made by Buyer to Seller in this Agreement shall be true and correct as of the Closing.

#### ARTICLE 4

##### ESTABLISHMENT OF ESCROW

4.1 Time to Open Escrow. Promptly after the execution of this Agreement, an escrow shall be opened to consummate the sale of the Property pursuant to this Agreement in accordance with further escrow instructions of Buyer and of Seller (the "Escrow Instructions"), which instructions shall be consistent with the terms of this Agreement.

4.2 Delivery of Agreement. Seller and Buyer shall open the escrow by delivering an executed counterpart of this Agreement to the Escrow Holder.

#### ARTICLE 5

##### CLOSING

5.1 Closing Date. The Closing hereunder shall be held and delivery of all items to be made at the Closing under the terms of this Agreement shall be made at the offices of the Title

Company on or after a date not later than six months from the date of execution of this Agreement (the "Closing Date") or such other date as Buyer and Seller may agree to in writing or as established by Buyer and Seller pursuant to Section 5.2.

5.2 Extension of Closing Date. The Closing Date may be extended, at Buyer's option by written notice to Seller, for a reasonable period of time if required to allow satisfaction of all necessary conditions, such period not to exceed an additional six (6) months, subject to Buyer's further rights to terminate this Agreement upon the expiration of the period of any such extension if all such conditions have not then been satisfied.

If, at the conclusion of the extension period, the necessary conditions have not been satisfied, this Agreement shall either terminate, or at Buyer's option, may be extended after renegotiation of the Purchase Price for the Property. Upon termination of the Agreement pursuant to this Section, the Deposit, plus all interest accrued thereon, shall be returned to Buyer.

5.3 Encumbrances. Except as specified in Section 2.3, the Seller shall pay in full any bonds, liens, claims, or mortgages encumbering the Property, if applicable.

5.4 Recording Fees. Buyer shall pay the fees, if any, for recording the Grant Deed.

5.5 Other Fees and Costs. The cost of an ALTA title policy shall be paid by Buyer. Seller shall pay all costs and expenses of clearing title to achieve the condition required by Section 2.3. Seller shall pay all documentary transfer taxes payable in connection with the recordation of the Grant Deed. Buyer shall pay for any endorsements to the title insurance policy requested by that party. Buyer and Seller shall share equally the Escrow Holder's fees and other customary charges for document drafting, recording, and miscellaneous charges. If, as a result of no fault of Buyer or Seller, Escrow fails to close, Buyer and Seller shall share equally all of Escrow Holder's fees and charges. In the event this escrow fails to close through the fault

of Seller, Seller shall pay any and all escrow costs and expenses in connection therewith, and Buyer shall be at no expense with respect to the same. In the event this escrow fails to close through the fault of Buyer, Buyer shall pay any and all escrow costs and expenses in connection therewith and Seller shall be at no expense with respect to the same.

Delivery of Property. On Closing, Seller shall deliver the Property to Buyer in substantially the same condition, reasonable wear and tear excepted, as on the date of this Agreement.

## ARTICLE 6

### REPRESENTATIONS AND WARRANTIES

6.1 Buyer Representations and Warranties. In consideration of Seller entering into this Agreement and as an inducement to Seller to sell the Property to Buyer, Buyer makes the following representations and warranties, each of which is material and is being relied upon by Seller (the continued truth and accuracy of which shall constitute a condition precedent to Seller's obligations hereunder):

a. Buyer Authority to Execute Agreement. Buyer is a public school district duly formed under the laws of the State of California, and this Agreement and the execution and delivery thereof by the persons designated below have been specifically authorized by Buyer. Buyer has the legal right, power and authority to enter into this Agreement, to consummate the transactions contemplated hereby.

b. Authority of Executing Officer. Each individual executing this Agreement on behalf of Buyer represents, for the benefit of Seller, that he or she is duly authorized to execute and deliver this Agreement on behalf of Buyer.

c. Validity of Buyer's Representations and Warranties at Closing. The representations and warranties of Buyer set forth in this Agreement shall be true on and as of the Closing as if those representations and warranties were made on and as of such time.

6.2 Seller Representations and Warranties. In consideration of Buyer entering into this Agreement and as an inducement to Buyer to purchase the Property from Seller, Seller makes the following representations and warranties, each of which is material and is being relied upon by Buyer (the continued truth and accuracy of which shall constitute a condition precedent to Buyer's obligations hereunder):

a. Seller Authority to Execute Agreement. Seller warrants that the persons executing this Agreement are legally authorized to execute this Agreement and constitute all persons or entities with a legal interest in the Property necessary to convey clear title to a fee simple interest in the Property; that Seller has the legal right, power and authority to enter into this Agreement and to consummate the transactions contemplated hereby; the execution, delivery and performance of this Agreement have been duly authorized, and no other action by Seller is requisite to the valid and binding execution, delivery and performance of this Agreement, except as otherwise expressly set forth herein.

b. Validity of Seller's Representations and Warranties at Closing. The representations and warranties of the Seller set forth in this Agreement shall be true on and as of the Closing as if those representations and warranties were made on and as of such time.

c. Foreign Person. Seller warrants and represents that Seller is not, and will not be at the Closing, a "foreign person", within the meaning of section 1445 of the Internal Revenue Code of 1986, as amended. If required, Seller will deposit in Escrow concurrent with

the deposit of the Grant Deed, Seller's notarized, completed affidavit to such effect, including a California Form 590.

d. No Leases Or Options. Seller represents and warrants that there are no leases or options affecting the Property and that after execution of this Agreement, Seller will not enter into any leases or options with respect to the Property.

e. No Contracts. Seller warrants that at the Closing, there will be no contracts, licenses, commitments, or undertakings respecting maintenance of the Property or equipment on the Property, or the performance of services on the Property, or the use of the Property or any part of it by which Buyer would become obligated or liable to anyone.

6.3 Mutual Indemnification. Seller shall indemnify Buyer and hold Buyer harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, without limitation, reasonable attorneys' fees, resulting from any misrepresentations or breach of warranty or breach of covenant made by Seller in this Agreement or in any document, certificate, or exhibit given or delivered to Buyer pursuant to or in connection with this Agreement. The indemnification provisions of this Section 6.3 shall survive the delivery of the Grant Deed and transfer of title or, if title is not transferred pursuant to this Agreement, any termination of this Agreement.

Buyer shall indemnify Seller and hold Seller harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, without limitation, reasonable attorneys' fees, resulting from any misrepresentations or breach of warranty or breach of covenant made by Buyer in this Agreement or in any document, certificate, or exhibit given or delivered to Seller pursuant to or in connection with this Agreement. The indemnification provisions of this Section 6.3 shall survive the delivery of the

Grant Deed and transfer of title or, if title is not transferred pursuant to this Agreement, any termination of this Agreement.

## ARTICLE 7

### TERMINATION

7.1 Buyer Termination. In addition to the termination rights described in Section 5.2 hereof, this Agreement may be terminated by Buyer without further liability in the event of a breach by Seller of any term, condition, or covenant contained herein. Upon election by Buyer to terminate this Agreement pursuant to this Section 7.1, the Deposit, plus all interest accrued thereon, shall immediately be returned to Buyer.

7.2 Seller Termination. If Buyer defaults in any obligations hereunder, Seller's sole remedy shall be to rescind this Agreement and retain or receive payment of fifty thousand dollars (\$50,000) as liquidated damages for such default ("Liquidated Damages"). If the Deposit has been paid to the Seller at the time of Buyer's default, the balance of the Deposit in excess of the Liquidated Damages shall be refunded by Seller to Buyer.

7.3 Specific Performance. Notwithstanding the above, Buyer does not waive the right to specific performance if permitted by law.

7.4 LIQUIDATED DAMAGES. THE LIQUIDATED DAMAGES REFERRED TO IN 7.2 ABOVE SHALL BE DEEMED TO BE SELLER'S SOLE AND EXCLUSIVE REMEDY IN DAMAGES. THE PARTIES AGREE THAT THIS IS A REASONABLE SUM CONSIDERING ALL OF THE CIRCUMSTANCES EXISTING ON THE DATE OF THIS AGREEMENT, INCLUDING THE RELATIONSHIP OF THE SUM TO THE RANGE OF HARM TO SELLER THAT REASONABLY COULD BE ANTICIPATED, AND THE ANTICIPATION THAT PROVING ACTUAL DAMAGES WOULD BE COSTLY, IMPRACTICAL AND EXTREMELY DIFFICULT. IN PLACING THEIR INITIALS AT THE

PLACES PROVIDED BELOW, EACH PARTY AGREES TO THE LIQUIDATED DAMAGES PROVISIONS CONTAINED HEREIN, AND CONFIRMS THE ACCURACY OF THE STATEMENTS MADE ABOVE AND THE FACT THAT EACH PARTY WAS REPRESENTED BY COUNSEL WHO EXPLAINED THE CONSEQUENCES OF THIS LIQUIDATED DAMAGES PROVISION AT THE TIME THIS AGREEMENT WAS MADE. IN CONSIDERATION OF THE PAYMENT OF SUCH LIQUIDATED DAMAGES, SELLER SHALL BE DEEMED TO HAVE WAIVED ALL OTHER CLAIMS FOR DAMAGES OR RELIEF AT LAW OR IN EQUITY (INCLUDING ANY RIGHTS SELLER MAY HAVE PURSUANT TO CALIFORNIA CIVIL CODE SECTIONS 3389 AND 1680).

BUYER

SELLER

Initials: \_\_\_\_\_

Initials: \_\_\_\_\_

#### ARTICLE 8

#### ASSIGNABILITY

Assignment. Seller shall not, voluntarily or by operation of law, assign or otherwise transfer any of its rights or obligations under this Agreement, including, without limitation, transferring ownership of the Property to another party, without obtaining the prior written consent of Buyer. Such consent may only be withheld based upon objective factors which relate to the discharge of obligations set forth herein and in no event shall such consent be unreasonably withheld.

#### ARTICLE 9

#### GENERAL PROVISIONS

9.1 Time of Essence. Time is of the essence of each provision of this Agreement in which time is an element.

9.2 Notice. Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served and received if given in writing and personally delivered or either deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service or facsimile transmission, addressed as follows:

SELLER

Jack R. Crist  
City Manager  
City of Modesto  
1010 10th Street, 6<sup>th</sup> Floor  
Modesto, CA 95354

BUYER

Sylvan School District  
605 Sylvan Avenue  
Modesto, CA 95350  
Attn: Superintendent

With copy to:

Steve Long, Consultant  
Overland, Pacific & Cutler, Inc.  
8950 Cal Center Drive, Suite 102  
Sacramento, CA 95826

With copy to:

Kenneth S. Levy  
Miller Brown & Dannis  
71 Stevenson St. 19<sup>th</sup> Floor  
San Francisco, CA 94105

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

9.3 Broker. Seller and Buyer each hereby acknowledge that Overland Pacific and Cutler, Inc., Sacramento, California has been retained by Seller to represent Seller, and Seller's broker acts as Seller's agent with respect to this transaction. Seller's broker is authorized to present this Agreement to Seller.

9.4 Entire Agreement of Parties. This Agreement constitutes the entire Agreement between the parties and supercedes all prior discussions, negotiations and Agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by the Seller and Buyer.

9.5 California Law. This Agreement shall be governed by and the rights, duties and obligations of the parties shall be determined and enforced in accordance with the laws of the State of California.

9.6 Attorneys' Fees. If either party files any action or brings any proceedings against the other arising out of this Agreement, or is made a party to any action or proceeding brought by the title company, then, as between Buyer and Seller, the prevailing party shall be entitled to recover, in addition to its costs of suit and damages, reasonable attorneys' fees to be fixed by the court. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not suit proceeds to final judgment. No sum for attorneys' fees shall be counted in calculating the amount of a judgment for purposes of determining whether a party is entitled to its costs or attorneys' fees.

9.7 Waiver. No waiver by any party of any provision of this Agreement shall be considered a waiver of any other provision or of any subsequent breach of the same or any other provision, including the time for performance of any such provision. The exercise by a party of any remedy provided in this Agreement or at law shall not prevent the exercise by that party of any other remedy provided in this Agreement or at law or in equity.

9.8 Binding Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors, and assigns.

9.9 Counterparts. This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.

9.10 Captions. The captions contained in this Agreement are for convenience only and shall not in any way affect the meaning or interpretation hereof nor serve as evidence of the interpretation hereof, or of the intention of the parties hereto.

9.11 Disputes. Any actions or proceedings arising under, growing out of, or in any way related to this Agreement shall be instituted and prosecuted only in courts located in the County of Stanislaus, State of California, and each party hereto expressly waives its right, under part II, title IV of the California Code of Civil Procedure, to cause any such actions or proceedings to be instituted or prosecuted elsewhere.

9.12 Time. All periods of time referred to in this Agreement shall include all Saturdays, Sundays and state or national holidays, unless the period of time specifies business days, provided that if the date or last date to perform any act or give any notice with respect to this Agreement shall fall on a Saturday, Sunday or state or national holiday, such act or notice may be timely performed or given on the next succeeding day which is not a Saturday, Sunday or state or national holiday.

9.13 Severability. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions hereof unenforceable, invalid or illegal.

9.14 Review of Form of Agreement. Submission of this instrument for examination or signature by Seller does not constitute an agreement to purchase all, or any portion of, the Property and it is not effective as an Agreement, or otherwise, until execution and delivery by both Buyer and Seller.

9.15 Survival of Warranties, Covenants and Obligations. The warranties, covenants and obligations of each of the parties under the provisions of this Agreement to the extent the same have not been fully performed, and excepting those covenants and obligations which have been extinguished by the expiration of a specified period of time, shall survive the close of the escrow through which the purchase is consummated.

9.16 Incorporation of Recitals and Exhibits. The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.

9.17 Cooperation: Further Documents. Buyer and Seller acknowledge that it may be necessary to execute documents other than those specifically referred to herein in order to complete the acquisition of the Property. Both Buyer and Seller hereby agree to cooperate with each other by executing such other documents or taking such other action as may be reasonably necessary to complete this transaction in accordance with the intent of the parties as evidenced in this Agreement.

9.18 In Lieu of Eminent Domain. Seller's conveyance of fee simple title to the Property is being done voluntarily in lieu of eminent domain proceedings.

## ARTICLE 10

### RIGHT TO ENTER PROPERTY

10.1 Access to Property. Commencing with execution of this Agreement, Buyer or Buyer's representatives shall have the right of access to the Property prior to the Closing, at all reasonable times for the purpose of obtaining data and making surveys, tests, inspections and other studies at Buyer's sole expense, necessary to carry out this Agreement or as required by local and California state regulatory agencies.

10.2 Restoration of Property. Buyer shall, upon completion of data gathering, and making surveys, tests, inspections and other studies, restore the Property to the extent reasonably possible to its condition prior to such data gathering, surveys, tests, inspections and other studies.

10.3 Indemnification Resulting From Access. Buyer shall indemnify and hold harmless Seller of and from any and all mechanic's liens, claims, liabilities, costs, expenses, including attorneys' fees, and damages arising out of or in any way related to any such use of the Property by Buyer or by any other person or entity on behalf of, or at the request of, Buyer, excluding any losses or damages, including but not limited to a reduction in the value of the Property, resulting from any finding or results of any surveys, tests, inspections or other studies, whether or not negligent.

10.4 Seller / Buyer Disclosure. Pursuant to Section 3.1(g)(2) of this Agreement, Seller will deliver to Buyer copies of all surveys, soil tests, engineering studies, reports and any other test results or reports in Seller's possession or under Seller's control concerning the Property. If so requested by Buyer, Seller will instruct those who prepared any such reports as well as Seller's agents and employees, to divulge any other information they may have about the Property to Buyer, provided that Buyer pays any additional costs incurred. Buyer acknowledges that Seller has delivered to Buyer copies of all leases, permits, licenses, notices of violation of law, releases, settlement and correspondence with enforcement agencies, as well as the names and last known addresses of present and former tenants to the extent actually known by Sellers. Buyer shall deliver to Seller at no cost to Seller copies of all written materials prepared by or for Buyer in connection with its investigations, inspections, tests, surveys or studies of the Property, including but not limited to topography maps, aerial photographs, surveys, drainage studies, maps, soils and environmental tests and reports.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

**BUYER:**

SYLVAN SCHOOL DISTRICT

By: \_\_\_\_\_,  
\_\_\_\_\_, President of the Board of Trustees

Dated: \_\_\_\_\_

**SELLER:**

CITY OF MODESTO

By: \_\_\_\_\_  
Jack R. Crist, City Manager

Dated: \_\_\_\_\_

**EXHIBIT "A"**

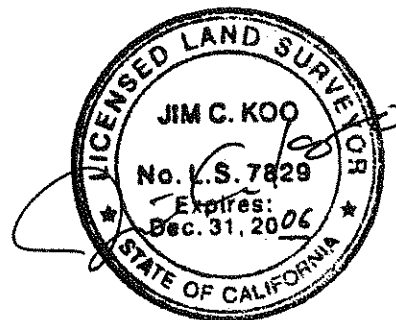
**LEGAL DESCRIPTION  
(PARCEL TO BE GRANTED)**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, BEING A PORTION OF LOTS 10 AND 11, AS SAID LOTS ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "ADAM'S COLONY" FILED FOR RECORD ON OCTOBER 21, 1908 IN BOOK 4 OF MAPS AT PAGE 5, STANISLAUS COUNTY RECORDS, STATE OF CALIFORNIA, AND BEING A PORTION OF THE LANDS CONVEYED TO THE CITY OF MODESTO AS SAID LANDS ARE DESCRIBED IN THE GRANT DEED RECORDED ON MARCH 3, 1992 IN DOCUMENT NO. 018683 OF THE OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 11, AT THE SOUTHWEST CORNER OF SAID LANDS OF THE CITY OF MODESTO; THENCE ALONG THE WEST LINE OF SAID LOTS 10 AND 11 AND ALONG THE WEST LINE OF SAID LANDS OF THE CITY OF MODESTO, NORTH 0°58'30" WEST, A DISTANCE OF 266.53 FEET; THENCE LEAVING SAID WEST LINE AND ALONG A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID LANDS OF THE CITY OF MODESTO, NORTH 89°19'33" EAST, A DISTANCE OF 688.87 FEET TO A POINT ON THE EAST LINE OF SAID LANDS OF THE CITY OF MODESTO; THENCE ALONG SAID EAST LINE, SOUTH 0°55'00" EAST, A DISTANCE OF 266.53 FEET TO THE SOUTHEAST CORNER OF SAID LANDS OF THE CITY OF MODESTO; THENCE ALONG THE SOUTH LINE OF SAID LANDS OF THE CITY OF MODESTO, SOUTH 89°19'33" WEST, A DISTANCE OF 688.60 FEET TO THE POINT OF BEGINNING.


(CONTAINING 4.214 ACRES MORE OR LESS.)

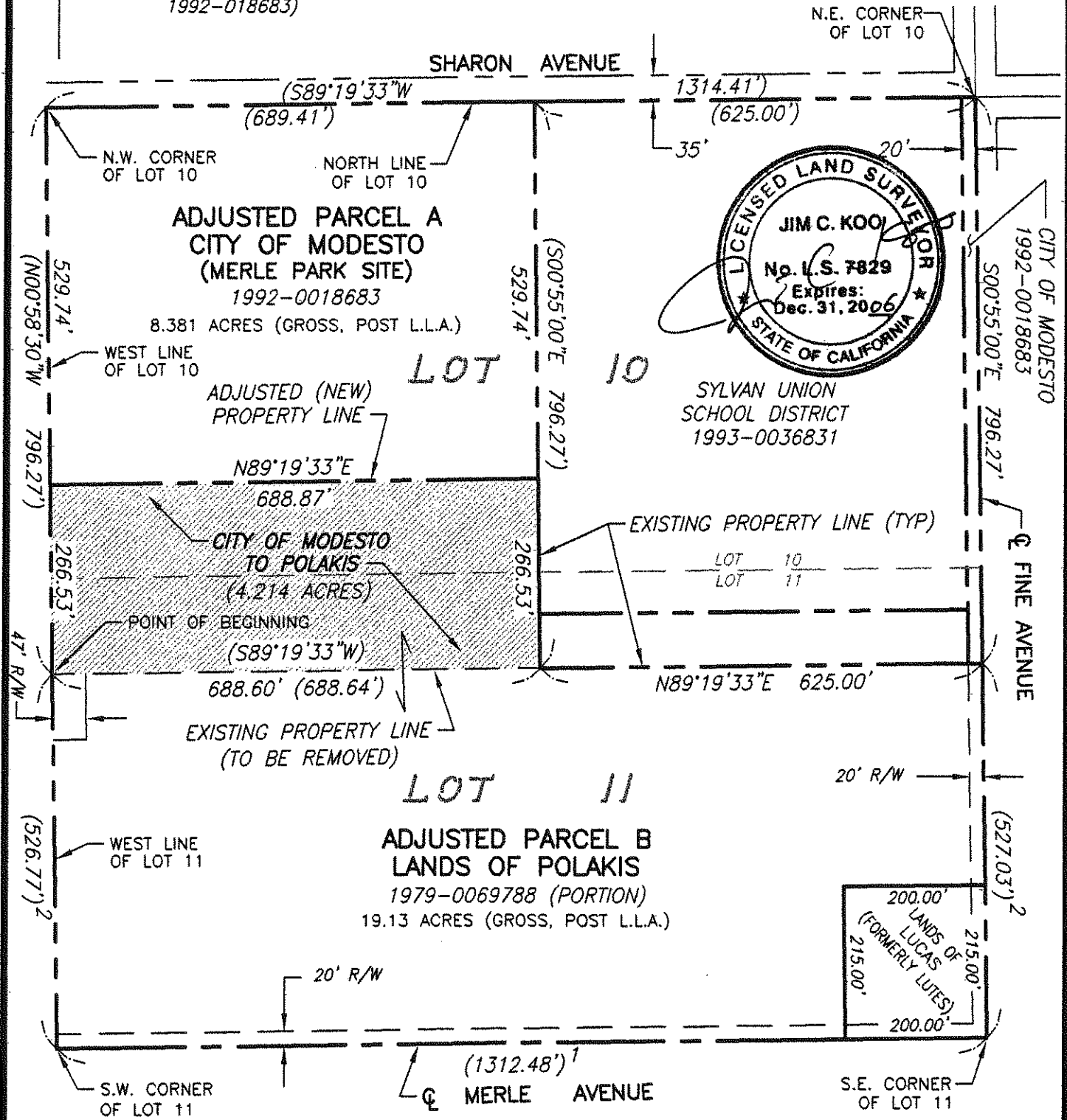
THE PROPERTY DESCRIBED HEREON IS SHOWN ON THE ATTACHED PLAT (EXHIBIT "B") AND BY REFERENCE MADE A PART HEREOF.



**LEGEND**

- ( ) INDICATES RECORD DATA, PER 1992-018683
- ( )<sup>1</sup> INDICATES RECORD DATA, PER 4-M-5
- ( )<sup>2</sup> INDICATES RECORD DATA, BY SUBTRACTION  
(MAP DATA FOR LOTS 10 AND 11 OF  
4-M-5, LESS DEED DATA PER  
1992-018683)

 HATCHED AREA INDICATES PARCEL DESCRIBED IN LEGAL DESCRIPTION, EXHIBIT 'A'.  
L.L.A. LOT LINE ADJUSTMENT



590 Menlo Drive  
Suite 1  
Rocklin, Ca. 95765  
Tel. (916) 435-2400  
Fax (916) 435-2410

**SANDIS HUMBER JONES**  
CIVIL ENGINEERS SURVEYORS PLANNERS

DATE: 11/18/03  
SCALE: 1"=200'  
DRAWN BY: EL/DSD  
APPROVED BY: JCK  
DRAWING NO.: 503153

**EXHIBIT 'B'**  
**LOT LINE ADJUSTMENT**  
**CITY OF MODESTO**  
**TO POLAKIS**

SHEET  
**1**  
OF 1 SHEETS

03/18/11 BMP Y:\1006513105

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-176A**

**A RESOLUTION APPROVING THE AWARD OF A \$449,000 CONTRACT TO WEST YOST AND ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO DEVELOPING A PRELIMINARY DESIGN REPORT FOR THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION - DOWNSTREAM IMPROVEMENTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto and the Modesto Irrigation District (MID) have begun work planning to expand the Modesto Regional Water Treatment Plant (MRWTP) from its existing capacity of 30 million gallons per day (mgd) to 60 mgd, and

WHEREAS, downstream improvements consisting of water storage tanks, booster pumping stations, pressure and/or flow control valves, and pipelines are needed to fully integrate the Phase Two expansion of the MRWTP with the City's water system, and

WHEREAS, an initial evaluation of the water distribution system, using the City's recently developed computer model, has confirmed the need for these improvements and has provided a general project description of the improvements, and

WHEREAS, the preliminary design for the downstream improvements needs to be completed by the fall of 2004 to remain on schedule with the Phase Two project's scheduled operation in the year 2007, and

WHEREAS, a Request for Proposals was sent to approximately 27 engineering firms, of which three responded, and

WHEREAS, the Proposals and Interviews of consulting firms qualified to prepare the Preliminary Design of the downstream improvements were rated by the selection team, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that West Yost and Associates, be accepted as the most qualified engineering consulting firm, and

WHEREAS, the Acting Engineering and Transportation Director has recommended accepting the proposed contract with West Yost and Associates in an amount not to exceed \$449,000, and

WHEREAS, the Economic Development Committee reviewed this item at its meeting on March 8, 2004, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with West Yost and Associates, for preparation of the preliminary design of the downstream improvements for the City of Modesto's water system in an amount not to exceed \$449,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-177**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN THE FERNWOOD PHASE ONE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, KB HOME CENTRAL VALLEY, INC., a California Corporation, is the subdivider of the Fernwood Phase One Subdivision, and

WHEREAS, KB HOME CENTRAL VALLEY, INC., a California Corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$407,000.00 and \$203,500.00, respectively, and

WHEREAS, KB HOME CENTRAL VALLEY, INC., a California Corporation, has filed a warranty bond in the amount of \$40,700.00 to guarantee improvements in the Fernwood Phase One Subdivision, and

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

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

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

1. The improvements in the Fernwood Phase One Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$407,000.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$203,500.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$40,700.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-178**

**A RESOLUTION ACCEPTING THE WORK BY ON GRADE CONTRACTING FOR THE "INSTALLATION OF A RIGHT-TURN LANE FROM DOWNEY AVENUE ONTO MCHENRY AVENUE" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$93,325.69 PER THE CONTRACT**

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "Installation of a Right-turn Lane from Downey Avenue onto McHenry Avenue" has been completed by On Grade Contracting, in accordance with the contract agreement dated May 6, 2003,

NOW, THEREFORE, BE IT RESOLVED that the "Installation of a Right-Turn Lane from Downey Avenue onto McHenry Avenue" project be accepted from said contractor, On Grade Contracting, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$93,325.69, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-179**

**A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO  
COMMON USE WITH MODESTO IRRIGATION DISTRICT (MID) AT  
RUMBLE ROAD AND CONANT AVENUE, AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto desires to construct improvements including sidewalk curb and gutter along the south side of Rumble Road west of Conant Avenue, and

WHEREAS, the Modesto Irrigation District (MID) owns a portion of the property on which the improvements are to be constructed, and

WHEREAS, staff at MID has approved an Agreement Consenting to Common Use for this property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Consenting to Common Use with Modesto Irrigation District for improvements at Rumble Road and Conant Avenue.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-180**

**A RESOLUTION AMENDING THE FY03-04 CAPITAL IMPROVEMENT  
BUDGET TO APPROPRIATE \$20,000 FROM THE STORM DRAIN RESERVES  
6280-800-8000-8003 TO 6280-430-N686-6010.13 FOR THE PROJECT TITLED  
9TH STREET STORM DRAINAGE**

WHEREAS, the City of Modesto has entered into a contract with Boyle Engineering Corporation for the design of improvements to the Ninth Street Storm Drain, and

WHEREAS, an initial phase of this contract identified a great benefit to extending the scope of the project limits from Tuolumne Boulevard and Seventh Street to Ninth and O Streets, to the new limits of Tuolumne Boulevard and Seventh Street to Ninth Street and Needham Street, and

WHEREAS, Boyle Engineering Corporation has agreed to accomplish this change in scope for an amount of \$29,505, and

WHEREAS, an additional \$20,000 is available in the Storm Drain Reserves 6280-800-8000-8003 to fully fund the change in scope,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY03-04 Capital Improvement Budget to appropriate \$20,000 from 6280-800-8000-8003 to 6280-430-N686-6010.13.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary action to amend the FY 03-04 Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-181**

**A RESOLUTION APPROVING A \$29,505 AMENDMENT TO THE \$430,509 BOYLE ENGINEERING CONSULTANT CONTRACT FOR THE DESIGN OF THE 9TH STREET STORM DRAIN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, INCREASING THE TOTAL ESTIMATED COST OF THE SERVICES TO \$460,014**

WHEREAS, the City of Modesto has entered into a contract with Boyle Engineering Corporation for the design of improvements to the Ninth Street Storm Drain, and

WHEREAS, an initial phase of this contract identified a great benefit to extending the scope of the project limits from Tuolumne Boulevard and Seventh Street to Ninth and O Streets, to the new limits of Tuolumne Boulevard and Seventh Street to Ninth Street and Needham Street, and

WHEREAS, Boyle Engineering Corporation has agreed to accomplish this change in scope for an amount of \$29,505,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Boyle Engineering Corporation amending the scope of the contract for an amount not to exceed \$29,505.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-182**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT REQUEST FOR BIDS FOR THE FURNISHING OF  
BULK FUEL RED DYED #2 DIESEL, FOR A THREE (3) YEAR AGREEMENT,  
FOR AN ESTIMATED ANNUAL COST OF \$44,721**

WHEREAS, red dyed #2 diesel fuel is used by the Operations and Maintenance Department, Waste Water Division and the Operations and Maintenance Department, Water Division to fuel non-public roadway diesel powered equipment and standby diesel powered generators that supply backup power to operate municipal drinking water wells, and

WHEREAS, currently, these departments purchase red dyed #2 diesel fuel in bulk by soliciting request for quotations on an as needed basis, and

WHEREAS, although, City departments have obtained competitive pricing, it is a strain on staff time and resources to solicit quotations each time fuel is needed, and

WHEREAS, by soliciting formal request for bids for bulk fuel red dyed #2 diesel, the City will recognize a savings by combining department volume and freeing staff resources, and

WHEREAS, by authorizing the Purchasing Supervisor to solicit formal request for bids for bulk fuel red dyed #2 diesel, the City will be meeting the legal requirements for purchases that exceed \$50,000, and

WHEREAS, the Purchasing Division is requesting a three (3) year agreement, which if approved by Council, would expire on the same time line as the current bulk unleaded fuel agreement, which expires on December 3, 2007, and

WHEREAS, going forward, both of these commodities would then be bid together to obtain a greater volume discount for the City, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for bulk fuel red dyed #2 diesel the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of bulk fuel red dyed #2 diesel for the Operations and Maintenance Department, Waste Water Division and the Operations and Maintenance Department, Water Division, for a three (3) year agreement, at an estimated annual cost of \$44,721, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 183

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: GF

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

					March Monthly Adj
Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object

**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
04-0100-020-0219-0235	0219C	\$289,547	(\$17,498)	\$272,049	Professional Services
<u>TO</u>					
04-0100-800-8000-8003	0100R	(\$2,603,680)	\$17,498	(\$2,586,182)	gF Conting Reserves

**COMMENTS/JUSTIFICATION**

This adjustment will adjust the amount of carryover for Cable Technology org 0219 from what was calculated in July to the actuals when the books closed in FY02-03.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Airport  
 Fund Title: Airport

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_  
Mar 04 Monthly Adj

Airport CIP Clean-Up

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
MY-6320-440-N020-3613		\$1,750,000	\$500,000	\$2,250,000	FAA Grant AIP-27,28
MY-6320-800-N020-8999			\$83,333	\$83,333	Airport Reserves
				\$2,333,333	

**APPROPRIATIONS**

<b>FROM</b>					
04-6310-800-8000-8003	6310R	(\$59,048)	(\$250,000)	(\$309,048)	Operating Reserve Contingency
<b>TO</b>					
MY-6320-440-N020-6040	N020	\$1,538,333	\$666,667	\$2,205,000	Increase construction
04-6320-800-8000-8003	6320R	\$2,051,741	\$83,333	\$2,135,074	Airport CIP Conting Reserve

**TRANSFERS BETWEEN FUNDS**

<b>FROM</b>					
MY-6310-700-N020-7632	6310R		\$250,000	\$250,000	Transfer to N020
<b>TO</b>					
MY-6320-700-N020-9631			\$250,000	\$250,000	Reserves Transferred

**COMMENTS/JUSTIFICATION**

This budget adjustment is to increase the budget received by the grant by another \$500,000. The bluesheet from Sept 2,2003 shows a grant increase of \$1,000,000 the project should have been increased by \$1,500,000. The grant for the Runway Pavement Evaluation covers only 90% a 10% match is required by the City. Since, the Passenger Fees are committed at this time on other projects the City did not want to pass on the opportunity to receive 2.5 million in a grant. So remaining one time aircraft tax and reserves will fund the match.  
 The \$83,333 portion is to complete transfer from 6310 to 6320 that was never completed but budgets were increased

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

MONTHLY FY 02-03 ADJUSTMENTS - WORKSHEET

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
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file: Budget2003\monthly\_adjustments\_template

**Budget Adjustments for the Month of March**

1)	Appropriation transfer								
	From:								
		Parking Fund Reserve	6000	480	0800	8000		\$ 43,000.00	
	To:								
		Repair & Maintenance - Outside Forces	6000	480	4684	0223	\$ 31,633.00	\$ 10,000.00	\$ 41,633.00
		Repair & Maintenance - Outside Forces	6000	480	4685	0223	\$ 11,200.00	\$ 10,000.00	\$ 21,200.00
		Tools, Shop & Field Supplies	6000	480	4683	0308	\$ 1,500.00	\$ 12,000.00	\$ 13,500.00
		Services, Professional & Other	6000	480	4683	0235	\$ 28,174.00	\$ 11,000.00	\$ 39,174.00
								\$ 43,000.00	
									\$ 115,507.00
1)	Revenue								
	Justification	Appropriation transfer from Parking Fund reserve to pay for unanticipated expenses related to repair of 6 ticket spitters and increased cost of parking stubs. Also, will fund the cost of computer software for better garage control at the Ninth Street Garage. This cost will be reimbursed to the Parking Fund later this year.							
2)	Appropriation								
2)	Revenue								
	Justification								
3)	Appropriation								
3)	Revenue								
	Justification								
4)	Appropriation								
4)	Revenue								
	Justification								
5)	Appropriation								
5)	Revenue								
	Justification								

Department: Operations & Maintenance

Department Head Judith Ray

Date: February 17, 2004

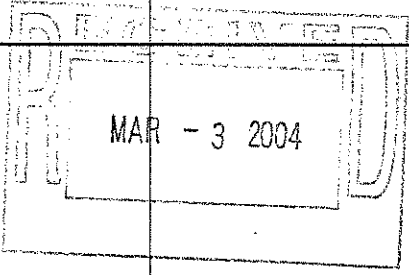
## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester  
 Telephone No.: 76480  
 Department: Centre Plaza P, R, E N  
 Fund Title: General Fund

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

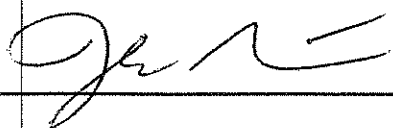
FROM	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<u>TO</u>					

**APPROPRIATIONS**

FROM	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
0100-800-8000-8003		(\$2,517,132)	(\$76,272)	(\$2,593,404)	Reserve
<u>TO</u>					
0100-340-3415-5900		\$50,000	\$15,211	\$65,211	John Thurman Electrical Upgrade
0100-360-3614-0235		\$46,564	\$61,061	\$107,625	McClure Country Place

**COMMENTS/JUSTIFICATION**

Budget FY03 Carryovers for John Thurman Field - Electrical Upgrade and McClure Country Place (see attached).

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT		3/3/04
FINANCE DIRECTOR		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester  
 Telephone No.: 76480  
 Department: Centre Plaza P, R, C, N

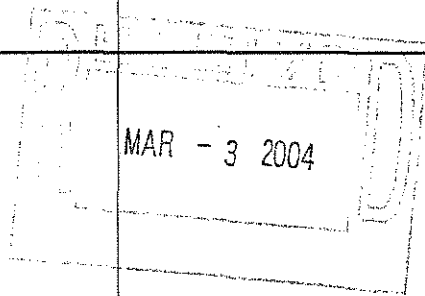
Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Centre Plaza

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

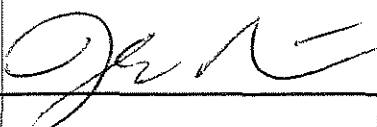
FROM					
<u>TO</u>					

**APPROPRIATIONS**

FROM					
6700-800-8000-8003			(\$2,278)	(\$2,278)	Reserves
6710-800-8000-8003			(\$28,644)	(\$28,644)	Reserves
<u>TO</u>					
6700-340-3412-1027		\$7,500	\$2,278	\$9,778	Celebration of Lights
6710-340-3420-5900		\$75,924	\$28,644	\$104,568	Centre Plaza FF & E

**COMMENTS/JUSTIFICATION**

Budget FY03 Carryovers for Celebration of Lights and Centre Plaza FF & E (see attached).

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT		3/3/04
FINANCE DIRECTOR		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester Council Action Date: \_\_\_\_\_  
 Telephone No.: 76480 Resolution Number: 1  
 Department: Parks, Recreation & Neighborhoods  
 Fund Title: Modesto Centre Plaza FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**


<u>FROM</u> 0100-800-8000-8003		(\$1,396,160)	(\$154,806)	(\$1,550,966)	General Fund Reserves
<u>TO</u> 6700-800-8000-8003			\$154,806	\$154,806	Centre Plaza Reserves

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u> 0100-700-7000-6700		\$515,000	\$154,806	\$669,806	Transfer Out-Centre Plaza Subsidy
<u>TO</u> 6700-700-7000-9010		\$515,000	\$154,806	\$669,806	Transfer In-Centre Plaza Subsidy

**COMMENTS/JUSTIFICATION**

Correct budgeted transfer for Centre Plaza subsidy. See Attached.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		1-28-04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

# REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Polly Findlen  
 Telephone No.: x29518  
 Department: Police

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

FY: 03-04

Fund Title: Operating Grants

Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b><u>FROM</u></b>					
<b><u>TO</u></b> 0410-190-2998-3507			\$44,545	\$44,545	Juvenile Impact Revenue

**APPROPRIATIONS**

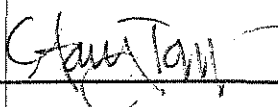
<b><u>FROM</u></b> 0100-800-8000-8003		(\$2,517,132)	(\$4,949)	(\$2,522,081)	Reserve
<b><u>TO</u></b> 0410-190-2998-0207			\$1,200	\$1,200	Conference Expense
0410-190-2998-0208			\$1,000	\$1,000	Audit
0410-190-2998-0209			\$1,500	\$1,500	Training Expense
0410-190-2998-0235			\$1,582	\$1,582	Speaker Fees
0410-190-2998-0255			\$43,912	\$43,912	City Forces
0410-190-2998-0260			\$300	\$300	Graduation Costs

**TRANSFERS BETWEEN FUNDS**

<b><u>FROM</u></b> 0100-700-2998-7041			\$4,949	\$4,949	General Fund Match
<b><u>TO</u></b> 0410-700-2998-9010			\$4,949	\$4,949	General Fund Match

**COMMENTS/JUSTIFICATION**

Enter budget for Juvenile Impact Program. Originally budgeted at the beginning of the year at \$59,148 (estimate). State closed the OCJP office and now runs the program through the Board of Corrections. Actual budget is now \$49,494 which includes \$6,470 which was spent under the OCJP office. The original estimate was taken out of the budget when the office changed. This new budget includes the match that was not in the original budget estimate.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT		2/24/04
FINANCE DIRECTOR		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-184**

**ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) NEW, HIGH PRODUCTION ROTARY MOWER FROM H. V. CARTER CO., INC OF SACRAMENTO, CALIFORNIA FOR AN ESTIMATED TOTAL COST OF \$76,811.78**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of one (1) new, high production rotary mower, and

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

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

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

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

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

WHEREAS, Resolution 2003-622 authorized the Purchasing Division to solicit formal bids for one (1) new, high production rotary mower, and

WHEREAS, on August 26, 2002 the Finance Committee recommended that Fleet Services identify critical equipment and vehicles for Council approval, and bring those requests forward on as needed basis, and

WHEREAS, on October 27, 2003 the Finance Committee gave authorization to take this piece of equipment to full Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of one (1) new, high production rotary mower from H. V. Carter, Co., Inc. of Sacramento, California for an estimated total cost of \$76,811.78.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to award the bid and contract for one (1) new, high production rotary mower to H.V. Carter, Co., Inc, of Sacramento, California for an estimated total cost of \$76,811.78.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-185**

**ADOPT A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR TWELVE (12) NEW CURRENT YEAR/MODEL VEHICLES TO THE FOLLOWING VENDORS: AMERICAN CHEVROLET OF MODESTO, CA. FOR EIGHT (8) NEW CURRENT YEAR/MODEL VEHICLES IN THE APPROXIMATE AMOUNT OF \$149,917, AND TO MAITA CHEVROLET OF ELK GROVE, CA. FOR FOUR (4) NEW CURRENT YEAR/MODEL VEHICLES IN THE APPROXIMATE AMOUNT OF \$63,120. THE TOTAL APPROXIMATE PURCHASE AMOUNT FOR ALL TWELVE (12) NEW CURRENT YEAR MODEL VEHICLES IS \$212,037.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of twelve (12) new current year model year vehicles, and

WHEREAS, Resolution No. 2003-622 authorized the Purchasing Supervisor to solicit Request for Bid (RFB) for twelve (12) new current year/model vehicles, and

WHEREAS, the twelve (12) new current year model vehicles consist of four (4), ½ ton extended cab pickups; three (3), 6200 gross vehicle weight pickups; one (1), extended cab, 2wd pickup, two (2), pickup full size, 2wd pickup, and one (1), one ton crew cab pickup, and

WHEREAS, the four (4), ½ ton extended cab pickups will be used by the Police Department Community Service Officers, and

WHEREAS, the three (3), 6200 gross vehicle weight pickups will replace pickups used by Building Inspectors, and

WHEREAS, the one (1), full size, 4wd pickup will replace a pickup used by the Industrial Waste Division, and

WHEREAS, the two (2), full size, 2wd pickups are additional vehicles and will be used by the Community Forestry Division, and

WHEREAS, the one (1), 3/4 ton truck with utility body is a replacement for an existing truck in the Community Forestry Division, and

WHEREAS, the one (1), 1-ton crew cab pickup is an additional vehicle that will be used by the Police Department, Traffic Unit, and

WHEREAS, on August 26, 2002 the Finance Committee recommended that Fleet Services identify critical equipment and vehicles for Council approval, and bring those requests forward on an as needed basis, and

WHEREAS, on October 27, 2003 the Finance Committee recommended taking the Request for Bid for authorization to bid twelve (12) new current year model vehicles to full Council for approval, and

WHEREAS, American Chevrolet of Modesto, CA. is the lowest responsive and responsible bidder for eight (8) new current year model vehicles for a combined total approximate cost of \$148,917, and

WHEREAS, Maita Chevrolet of Elk Grove, CA. is the lowest responsive and responsible bidder for four (4) new current year model vehicles for a combined approximate total cost of \$63,120, and

WHEREAS, the combined approximate total cost of all twelve (12) new current year model vehicles is \$212,037,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for a total of twelve (12) new current year model vehicles to the following vendors:

American Chevrolet of Modesto CA., for eight (8) new current year model vehicles in the approximate amount of \$148,917 and to Maita Chevrolet of Elk Grove, CA., for four (4)

new current year model vehicles in the approximate amount of \$63,120. The approximate total purchase amount for the twelve (12) new current year model vehicles is \$212,037.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue purchase orders for the twelve (12) new current year/model vehicles.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-186**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$1,692,495  
CONTRACT WITH MAGNUM ENTERPRISES, INC., FOR THE PROJECT  
TITLED "FIRE STATION NO. 11" AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the bids received for Fire Station No. 11 were opened at 11:00 a.m.  
on March 9, 2004, and

WHEREAS, both the Fire Chief and the Engineering and Transportation Director  
have recommended that the bid of \$1,692,495 received from Magnum Enterprises, Inc.,  
be accepted as the lowest responsible bid and the contract be awarded to Magnum  
Enterprises, Inc., and

Whereas, the Safety & Communities Committee reviewed the design of Fire  
Station No. 11 at its meeting on January 6, 2003, and are supportive of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby accepts the bid of \$1,692,495, and hereby awards Magnum Enterprises,  
Inc., the contract titled "Fire Station No. 11."

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-187**

**A RESOLUTION TO APPROVE A LOAN OF \$238,495 FROM CIP ACCOUNT 1300-0180-N412 TITLED "REHABILITATION OF FIRE STATION NO. 1" TO ACCOUNT 1320-0180-M174 FOR THE PROJECT TITLED "FIRE STATION NO. 11" AND SET UP PAYBACK FROM FUTURE FIRE CAPITAL FACILITIES FEES AMORTIZED OVER THE NEXT 5 YEARS.**

WHEREAS, a bid has been received from Magnum Enterprises, Inc., in the amount of \$1,692,495 for the construction of Fire Station No. 11, and

WHEREAS, both the Fire Chief and the Engineering and Transportation Director have recommended that the bid of \$1,692,495 from Magnum Enterprises, Inc., be accepted as the lowest possible bid, and

WHEREAS, funds are budgeted for this project in the 2003-2004 Capital Improvement Program account number 1320-0180-M174, and

WHEREAS, said account is funded in part by General Fund Loans to be paid back from future Fire Capital Facilities Fees, and

WHEREAS, \$1,626,000 is the amount already approved by previous Council action as General Fund Loans to be paid back from future Fire Capital Facilities Fees, and

WHEREAS, said account has been used to purchase the property and hire the architect, and

WHEREAS, a \$238,495 loan from Account 1300-0180-N412 (Rehab. of Fire Station 1) is necessary to fully fund the project titled "Fire Station No. 11", and

WHEREAS, the \$238,495 loan will be paid back to Account 1300-0180-N412 from future Fire Capital Facilities Fees amortized over the next 5 years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the loan of \$238,495 from Account 1300-0180-N412 to account number 1320-0180-M174 for the project titled "Fire Station No. 11" and that the loan will be paid back from future Fire Capital Facilities Fees amortized over the next 5 years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-188**

**A RESOLUTION ADJUSTING THE BUDGET TO TRANSFER \$49,865 FROM FUND 1410 (STREET CFF) TO ACCOUNT 1320-0180-M174 FOR THE PROJECT TITLED "FIRE STATION NO. 11".**

WHEREAS, a bid has been received from Magnum Enterprises, Inc., in the amount of \$1,692,494.86 for the construction of Fire Station No. 11, and

WHEREAS, \$49,865 is the portion of the bid for off site improvements along Pelendale Avenue, and

WHEREAS, the off site improvements are eligible for funding from Fund 1410 (Street CFF), and

WHEREAS, the "Fire Station No. 11" project is funded in the 2003-2004 Capital Improvement Program account number 1320-0180-M174, and

WHEREAS, a \$49,865 transfer from Fund 1410 (Streets CFF) to Fund 1320-0180-M174 is necessary to fully fund the project titled "Fire Station No. 11",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of \$49,865 from Fund 1410 (Streets CFF) to account number 1320-0180-M174 for the project titled "Fire Station No. 11".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-189**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR NATIONAL ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FUNDS IN THE AMOUNT OF \$359,000 AND TO EXECUTE THE NECESSARY GRANT APPLICATION DOCUMENTS.**

WHEREAS, the Congress, under Public Law 107-73, has authorized the establishment of the Federal Fire Protection and Control Act and has appropriated \$750 million dollars to carry out the Assistance to Firefighter's Grant Program, and

WHEREAS, the Office for Domestic Preparedness is responsible for administration of the program, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the Office for Domestic Preparedness require the applicant to provide 30% local matching funds, and

WHEREAS, the Fire Department has concluded that an application in the category of Fire Operations and Firefighter Safety Program is the most needed and the most likely to be successful, and

WHEREAS, the City of Modesto and Modesto Fire Department qualify to submit the grant application and

WHEREAS, this request was reviewed and supported by the Safety and Communities Committee at its April 5, 2004 meeting,

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

1. Authorizes the filing of an application for Assistance to Firefighter's Grant Program funds in the amount of \$359,000.

2. Certifies that said agency has matching funds from the following source: Fire Department Operating Budget, and can finance 100 percent of the project, 70% of which will be reimbursed.
3. Authorizes the City Manager, or his designee, as agent of the City to execute and submit the necessary grant application documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-190**

**A RESOLUTION AMENDING THE POLICIES AND PROCEDURES FOR  
ACCESSMODESTO AND RESCINDING RESOLUTION NO. 2002-590**

WHEREAS, on the 26<sup>th</sup> day of November, 2002, by Resolution No. 2002-590, the City Council established Policies and Procedures for the operation of AccessModesto, and

WHEREAS, the City Council now desires to amend said Policies and Procedures, and

WHEREAS, the City Council hereby finds and determines that it is in the public interest to amend the current Policies and Procedures and

WHEREAS, the Safety and Communities Committee has reviewed the amended Operating Policies and Procedures, dated March 2004, and recommended this item be submitted to full Council, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended AccessModesto Operating Policies and Procedures, a copy of which is attached hereto as **Exhibit "A"**, dated March 2004.

BE IT VURTHER RESOLVED that Res9lution No. 2002-590 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney



# Operating Policies and Procedures

Version 3.0 March 2004

Draft

## Table of Contents

OUR PURPOSE.....	1
I. INTRODUCTION .....	2
A. PEG .....	2
B. Public Access .....	2
C. Education & Government Access.....	2
D. Contact Information .....	2
E. Drop-off.....	3
II. Producers' Responsibilities .....	3
A. Application Forms.....	3
B. Program Copy.....	3
C. Conduct and Behavior .....	3
III. Services Provided .....	4
A. Public Service Announcement.....	4
B. Duplications .....	4
IV. Programming Guidelines.....	4
A. Program Content Policy.....	4
B. Copyright and other Clearances.....	5
C. Minors Submitting Programs .....	5
D. Acknowledgements and Disclaimers.....	5
E. Viewer's Discretion .....	5
F. Ownership.....	5
G. Distribution Rights.....	5
H. Underwriting and Sponsorship .....	6
I. Underwriting – Financial Reporting .....	6
J. Company Sponsorship .....	7
V. Promote Programming .....	7
A. Program Schedule.....	7
B. Producer's Promotion .....	7
C. Cable Guide.....	7
VI. Program Scheduling Policies .....	7
A. Public Access Scheduling .....	8
B. Scheduling Conflicts .....	8
C. Scheduled Time Slots.....	8
D. New Users and Time Dated Programs.....	8
E. Repeats .....	9
F. Program Submission .....	9
G. Sensitive Programs.....	9
H. Re-submittal of regular programs and series programs.....	9
I. Failure to Submit Tape .....	9
J. Cancellation, Pre-emption and Rescheduling .....	9
K. Program Length.....	9
L. Exceeding Time Slot.....	10
M. Political Programming.....	10
VII. Technical Issues .....	
A. Media Formats.....	10
B. Technical Standards .....	10
C. Technical Information .....	11
D. Label Information .....	11
VIII. Infractions and Appeals Process.....	11
A. Violations .....	11
B. Appeals Process.....	12

## **AccessModesto TV**

The City of Modesto regulates the local cable television franchise agreement, which allows the cable company to use public rights of way for their cables and wiring. Within this franchise agreement, provisions are made for Public Access - Education-Government (PEG) access channels.

AccessModesto programming is broadcast on Channels 7, 26 and 96 on the Comcast cable system these channels are available to all Comcast cable residents in the City of Modesto as part of their basic cable television service. Channel 96, the government channel, can also be viewed throughout the rest of Stanislaus County on channel 19, on the Charter cable system.

## **Our Purpose**

Assisting residents and organizations to communicate ideas and exchange information through the medium of community access television.

To accomplish this, we will work toward the following goals:

- Advocate the use and benefits of community access television
- Encourage the cablecasting of non-commercial programs directly related to the community of Modesto and/or Stanislaus County
- Encourage the creation of programs aimed at preserving, developing, and enhancing the diversity of thought, culture, and heritage within Modesto and/or Stanislaus County
- Facilitate lifelong learning and community participation in the democratic process
- Serve as a local information exchange
- Develop cooperative partnerships with Education, and Government individuals and groups to help further the goals of community access
- Monitor and incorporate, to the extent funding is available, the use of emerging technologies that will benefit community access users
- Maintain those cable channels dedicated to public use in a manner that is free of censorship and control of program content, except as necessary to comply with State or Federal law
- Attempt to provide equitable access to community channels by developing and utilizing rules and policies

## I. Introduction

These Operating Policies and Procedures set out the rules that govern the operation of the AccessModesto TV channels.

### A. PEG

In the City of Modesto, Channels 7, 26 and 96 on the Comcast cable system and channel 19 on the Charter cable system have been set aside for use by members of the public, community organizations, educational institutions, and governmental agencies as the city's community access channels. AccessModesto TV aims to be the nexus that provides the public with the facilities and equipment needed to produce television programs to be shown over these local community channels.

### B. Public Access

Public Access means TV for you, by you, and about you. This is television made by you free of censorship (to the extent allowed by law) and free of commercials. Public Access allows for varying degrees of an individual's participation. One can participate in Public Access easily by bringing in a previously taped show or by putting a message on the Video Bulletin Board.

### C. Education & Government Access

These channels are used to deliver programming produced by educational institutions, as well as agencies of local and state government. The use of the education and government channels shall be reserved solely for what is deemed informational and educational for the citizens of City of Modesto and Stanislaus County. The fundamental purposes of the Education and Government Access Channels are as follows:

1. To promote the education of the City's citizens concerning local government by cablecasting meetings consisting of the City Council, County Board of Supervisors and boards that are deemed appropriate and beneficial to the City's & County citizens.
2. To inform the citizens at large about programs and public service provided by City and County departments.
3. To promote the education of citizens by presenting educational and cultural programs beneficial to City and County residents.
4. To explain opportunities for citizens to participate in programs and services.
5. To provide information on public health, safety and welfare issues.
6. Programs or events that are sponsored by City of Modesto or Stanislaus County.

### D. Contact Information

The City of Modesto Information Technology Department manages the City's AccessModesto TV programming with assistance from the city's Local Cable Citizen Advisory Committee.

#### AccessModesto Contacts:

Information Technology Department:.....	(209) 571-5548
Master Control Room (Scheduling/Programming):.....	(209) 525-5104
Master Control Room Fax (Video Bulletin Board Announcements):	(209) 525-5113
Web Site:.....	<a href="http://www.modesto.tv">http://www.modesto.tv</a>
Email:.....	<a href="mailto:info@modesto.tv">info@modesto.tv</a>

## E. Drop-off Location

Programs for airing on the AccessModesto Public Access may be submitted by:

1. Drop off at the City of Modesto, Customer Service Department, 1010 Tenth Street, Suite 2100, Modesto, California between the hours of Monday through Friday, 8 am – 5 pm.
2. Mailing to AccessModesto, P.O. Box 642, Suite 2100, Modesto, CA 95353

## II. Producers' Responsibilities

### A. Application Forms

Forms must be completed for each show that is produced for AccessModesto TV. The forms provide details about the production and serves as a working production tool for both the producer and AccessModesto TV.

Producers are fully responsible for signing and obtaining all necessary forms and releases involved in their production. This includes talent releases and music rights. The City of Modesto and AccessModesto have no legal liability for clearances that have not been obtained. The following forms must be filled out and submitted:

1. Statement of Compliance
2. Indemnification
3. Duplication Process Policy
4. Program Technical Requirements
5. AccessModesto TV Playback Request
6. Program Content Survey Form

### B. Program Copy

AccessModesto recommends that producers keep possession of their edited master and submit good quality duplication on any AccessModesto accepted media for cablecasting, which may be kept. The AccessModesto is not responsible for damage to the air tape, under the Statement of Compliance form, which is completed for cablecasting.

### C. Conduct and Behavior

It is expected of all individuals, during the process of participating in AccessModesto whether it is dropping off a tape or requesting information, will conduct themselves in a responsible manner at all times. In honoring the spirit of diversity, all participating individuals are asked to respect others within the work environment while on the City of Modesto premises. The following actions would be considered conduct which disturbs the work environment and could be subject to policy violation, which may include permanent forfeiture of privileges on AccessModesto.

1. Personal verbal attacks or harassment of individuals and or groups.
2. Yelling, loud or disruptive discussions or behavior.
3. Individuals who behave in a threatening manner or interfere with orderly conduct.

### III. Services Provided

#### A. Public Service Announcement

A separate bulletin board appears on each of the Public Access-Education-Government channels in between taped or live programming. Eligible users may submit messages and announcements to the Video Bulletin Board. Eligible users include bona fide nonprofit agencies, educational, and governmental organizations.

Messages may be typed or printed on a Public Service Announcement Form. Public Service Announcement messages may be no longer than 35 words, however press releases will be accepted and edited. The information should be submitted 10 days in advance of requested airdate. Pick up a Public Service Announcement form in the City of Modesto Customer Service Office 1010 10<sup>th</sup> Street, or online at [www.modesto.tv](http://www.modesto.tv). This is a free service.

#### B. Duplications

Duplications of AccessModesto TV produced programming may be obtained for a fee of \$10 for VHS or \$15 for DVD. Duplication forms may be obtained in the City of Modesto 1010 10<sup>th</sup> Street, Customer Service Department in Suite 2100.

### IV. Programming Guidelines

#### A. Program Content Policy

AccessModesto has designed its policies and facility to encourage the broadest possible usage of the cable television community channels, to celebrate the diversity of the community, and to strengthen the sense of community in the City of Modesto and Stanislaus County. Public Access is committed to being the vehicle for non-commercial programming made by individuals and groups in the City of Modesto. As such, it is the producer or presenter of the program who accepts responsibility for the content, not AccessModesto. AccessModesto will exercise no control over program content, except that legally, community access programming must not contain:

1. Obscene or indecent matter as defined by the First Amendment to the U.S. Constitution and any applicable case law in the 1992 FCC guidelines.
2. Materials that contain other speech not protected by the Constitution: i.e., speech, which directly results in violence, 'fighting words,' and incitement to riot.
3. The direct or indirect presentation of lottery or other information as prohibited by State Law.
4. Advertising material that promotes the sale of commercial products or services or motivate a viewer to contact guests or businesses for additional information. For example: A program with a guest from a business or organization cannot contain a slate that states, "For more information call or contact."
5. The direct solicitation of funds or donations for any and all purposes is prohibited. Bona fide nonprofit agencies may appeal for volunteers or publicize fundraising events.
6. Material which constitutes libel, slander, invasion of privacy, or publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state, or federal law.
7. Material, which has a reasonable probability of creating an immediate danger of damage to property or injury to persons.

## B. Copyright and other Clearances

Users presenting a program for cablecast must state in writing that they have made all appropriate arrangements to obtain all rights to materials to be cablecast. Users shall obtain in writing, the consent of all persons and parental permission for all minors appearing in programs submitted for cablecasting. Sample Talent Release Forms are available online at [www.modesto.tv](http://www.modesto.tv).

## C. Minors Submitting Programs

A parent or legal guardian must sign the Program Content Survey for each program submitted by a minor. Staff may request copies of all clearances and releases before airing a program.

## D. Acknowledgements and Disclaimers

The presenter of a program must be clearly identified on a slate appearing at the beginning and end of each program. The slate must include the presenter's name and address. A phone number is optional. The slate provides the viewer with contact information in case of questions or concerns. (A presenter is a Modesto resident or organization that signs the Program Content Survey form and submits a show for airing. Presenters are legally responsible for the content of a show. The presenter may or may not be the producer of the program.)

## E. Viewer's Discretion

Presenters are required to indicate on their completed Program Content Survey whether or not any portion of their programming content may present cause for AccessModesto viewers to exercise viewer or parental discretion. Programs marked, as 'Yes' will be scheduled as follows:

- Obscene Material ..... Prohibited by Federal Law, will not be scheduled or aired
- Matter Inappropriate for Children .....Must be scheduled after 10:00 PM and before 4:00 AM
- Indecent Material .....Must be scheduled after 1:00 AM and before 4:00 AM
- Material of a Sensitive Nature .....Must be scheduled after 10:00 PM and before 4:00 AM

An announcement must be included at the beginning of the programs disclosing if it is sensitive, indecent material or inappropriate for children, for example:

"The following program contains language or other program content that may be offensive to some viewers. Viewer and parental discretion are advised."

## F. Ownership

The presenter of any program submitted for cablecasting on any of the AccessModesto TV channels retains copyright ownership of the program. AccessModesto reserves the right to retain a copy of the program for later cablecasting on the community channel or for other non-commercial, promotional purpose.

## G. Distribution Rights

The producer/presenter retains the rights of distribution for all programs aired on AccessModesto channels.

## H. Underwriting and Sponsorship Credits

Public Access producers are permitted to seek underwriting and/or sponsorship credits for their productions, as long as the support is in direct relation to the cost of program production. The producer may give on-air credit to the person or organization that has given financial or in-kind support for the production or promotion of a program using the following guidelines:

1. **Length:** A credit of up to 180 seconds is given per every 30 minutes of programming. For instance, a half hour show (30 minutes) would be allotted three minutes (180 seconds) for crediting sponsors and an hour show (60 minutes) would get six minutes (360 seconds) of time for sponsor acknowledgement.
  - a. Total amount of underwriting and/or sponsorship credits may not exceed the length of original programming.
  - b. Each underwriting and/or sponsorship credit cannot exceed 15 seconds in duration.
2. **Placement:** Credits may be placed at the beginning, middle, and/or end of a show. The credit may be split into any time increment.

### Sponsorship Guidelines:

A credit **may** contain:

1. The Company/Person's Name
2. The Company Logo
3. The Company/Person's Address and/or Phone Number
4. A web site address
5. A qualifying line – A 10 word description of the type of business. Example “This has been brought to you by company X, serving the valley since 1940.”

A credit **MAY NOT contain**

1. A video or photograph of any product the company sells.
2. A description of services or products the company provides.
3. A slogan – A slogan is defined by AccessModesto as a copyrighted catch phrase associated with a company that is used for marketing purposes and established to assist that business in making a profit.
4. A promotion of any form for the purchase or use of alcoholic or tobacco products
5. Comparative Descriptions\*
6. Pricing Information\*
7. Calls to action\*
8. Inducements to buy, rent or lease\*

\*Please see attached document for Tips on Evaluating Underwriting and/or Sponsorship Credits.

## I. Underwriting - Financial Reporting

Upon receiving a written request from AccessModesto, producers receiving underwriting sponsorship must explicitly inform of any payment or cash received by an individual or group for the purpose of programs using AccessModesto equipment or facility. Additionally, The Internal Revenue Service may periodically review the non-commercial status of AccessModesto.

## J. Company Sponsorship

Companies can sponsor shows:

- Which cover local public community events.

Companies cannot sponsor shows:

- About themselves
- Showing their product or service exclusively

## V. Promote Programming

### A. Program Schedule

Specific requests for airtimes will be met when possible. Generally, program cablecast requests submitted to AccessModesto four (4) weeks prior to the requested airdate will be listed in the TV listings aired on the Public-Education-Government Bulletin Board. The schedule will also appear on the AccessModesto TV website ([www.modesto.tv](http://www.modesto.tv)) which is updated weekly.

### B. Producer's Promotion

Presenters are encouraged to promote and otherwise encourage viewership of their programs. Presenters can submit program description to AccessModesto. Program Description may be submitted to [info@modesto.tv](mailto:info@modesto.tv)

### C. Cable Guide

The Cable Guide is aired daily on Channel 2. Programming on the AccessModesto TV channels will be submitted each week for this daily listing service. AccessModesto TV is not affiliated with the Cable Guide Channel.

## VI. Program Scheduling Policies

AccessModesto scheduling policies are designed to:

- Provide equitable allocation of available channel time, as determined by our Operating Policies and Procedures
- Give residents, education institution and government agencies of the City of Modesto and Stanislaus County
- Priority in the allocation of airtime on the community access channels.
- Encourage viewership of the community channels
- Maximize opportunities for program promotion

## A. Public Access Scheduling

The Public Access is divided into general categories to show a mix of different types of programming throughout the week. All program schedules are subject to review by AccessModesto and the Local Cable Programming Committee. No individual may reserve a specific time slot, except when a contract is entered into with AccessModesto. The programming schedule appears on the website at [www.modesto.tv](http://www.modesto.tv). To establish priority, the following will be considered.

### Priority:

- Time dated programs
- Locally-produced programming
- Programs that have not been previously shown on the community channel
- Programs submitted by new producers

## B. Scheduling Conflicts

It should be understood, that since this is a shared community resource, specific time requests cannot always be granted. The public access channel time requests will be scheduled on a first come, first served, nondiscriminatory basis. In the case of scheduling conflicts, program times will be determined by a lottery system, which will be held for producers at least once per year.

## C. Scheduled Time Slots

To allow for regularly produced programming aired at a consistent time on regular days of the week, or regular bi-weekly or monthly days and times, AccessModesto will enter into contracts for the public access channel with producers/providers for scheduled time slots within the constraints of the following guidelines.

1. To be eligible to enter into a contract or a scheduled time slot with AccessModesto a producer/providers of programming must have demonstrated the ability to produce programming of consistent quality and not in violation with AccessModesto Policy and Procedures.
2. Producer/providers must demonstrate the ability to deliver the programs in a regular, timely and consistent fashion.
3. Only pre-taped programs on technical approved media will be accepted.
4. AccessModesto reserves the right to pre-empt regularly scheduled programming in order to better serve the public interest such as in the event of an emergency broadcast or a special event.
5. In the event of a scheduling conflict, programming times will be determined by a lottery system that will be held for producers at least once per year.
6. Scheduled time slots may be reallocated every 12 months.
7. A time slot may be revoked or reassigned if the producer/provider assigned to that time slot does not meet the terms of his or her contract, including but not limited to failing to deliver programs in a regular, timely and consistent manner.

## D. New Users and Time Dated Programs

Staff reserves several time slots each week to accommodate programs created by new eligible users and / or time dated programs.

## E. Repeats

AccessModesto reserves the right to repeat the same show within each programming block period. The number of playback times is limited to two (2) per week for all programs, with a maximum playback of three (3) times per week if scheduling allows. This excludes any contractual agreements the City may have with presenters.

## F. Program Submission

A presenter must submit a signed AccessModesto Playback Request prior to submitting any programming. A Program Content Survey form must be submitted with each program. Programs submitted without the Program Content Survey will not be aired. Since a tape must be entered into the AccessModesto TV tape database, labeled, and scheduled, an airdate cannot be given at the time of submission. Airdates will be available approximately three business days after a tape has been submitted. Producers submitting episodes of an approved series must deliver the tape and Program Content Survey to AccessModesto TV at least seven days prior to their time slot to allow for scheduling, unless other arrangements are agreed upon with the Programming Manager.

## G. Sensitive Programs

Programs, which contain material that may be inappropriate for children or deal with issues of a particularly sensitive nature, will be cablecast in accordance with FCC guidelines. It is the program presenter's responsibility to notify AccessModesto staff in advance if their program is of a sensitive nature. A Program Content Survey must be completed for each submission. Presenters are required to indicate on their completed Program Content Survey whether or not any portion of their programming content may present cause for AccessModesto viewers to exercise viewer or parental discretion. An announcement must be included at the beginning of the program and will be scheduled after 10:00 pm; indecent material will be scheduled after 1:00 am.

## H. Re-submittal of regular programs and series programs

AccessModesto will act according to the instructions provided by the presenter on the Program Content Survey form. Re-submittals will be considered on a case-by-case basis. Series programs can be resubmitted for up to two more airdates. These additional airdates will be at the discretion of AccessModesto and will be subordinate to regular submittals and first-time series programs.

## I. Failure to Submit Tape

In the case of a scheduled program, producers who fail to submit tapes on schedule will risk the loss of their time slots. Staff reserves the right to cancel the program's time slot if the producer fails to provide a new show within the agreed upon time frame

## J. Cancellation, Pre-emption and Rescheduling

Staff reserves the right to pre-empt the regular schedule as necessary to accommodate date sensitive programs, technical difficulties, education and/or government related news conferences, or emergency announcements or programming. Staff shall make every effort to reschedule pre-empted programs at the earliest available time slot.

## K. Program Length

The recommended length for programming on Access Modesto Cable TV is 28:30 minutes for a half hour show and 58:30 minutes for an hour show. These lengths allow time in-between programs for public service announcements (PSA's), stations identifications, and the interactive bulletin board. PSA and station ID's may be used for AccessModesto producers to tag onto their programs.

## L. Exceeding Time Slot

The community channels run several hours in the evenings and weekend by computer automation with a limited amount of VCR's for program playback. AccessModesto reserves the right to cut series programming which exceeds its scheduled time slot, unless prior arrangements are made. For example, a half-hour series program should not exceed 30:00 minutes, even by half a second. This could cause the program credits to be cut short, or the next program to start late. Series producers must submit a properly timed program in order to help maintain the schedule and create the best possible appearance of the community channels.

## M. Political Programming

AccessModesto views political programming should be treated like any other programming. On the Public Access channel, programming concerning political issues and candidates for public office will be afforded the same privileges and will be subject to the same limitations as other public access programming. In order to promote the fullest and fairest presentation of divergent political views, issues and candidate forums are encouraged.

However, in an effort to bring fairness and order, AccessModesto has established the following voluntary guidelines, which we encourage candidates to abide by. A candidate in definition is any individual who will appear on an electoral ballot.

### Political Programming Guidelines:

1. A Campaign Period, for the purposes of AccessModesto shall be defined as beginning on Monday of the first full week, 4 weeks prior to an election and will continue until all run-off elections are completed.
2. AccessModesto may broadcast Candidates Forums, a Candidates Forum is considered a program or programs produced specifically for candidates during the election periods in which all-running candidates are invited to participate and non-partisan groups sponsor the forums.
3. All candidates do not have to accept the invitation for a Candidates Forum program in order for AccessModesto to air the program on the access channels.
4. On the Government and Education Channels, programs, other than government meetings, such as council meetings, that have as guest/host/talent political candidates may not air during the Campaign Period.

## VII. Technical Issues

### A. Media Formats

Acceptable media format for cablecasting include prerecorded programs on DVD, Mini-DV, and DV Cam, SVHS, VHS.

### B. Technical Standards

Programs must have technical standards high enough to deliver a clear and unbroken picture to cable subscribers.

1. The audio must be clearly understandable and at audible levels without distortion.
2. Tapes should be recorded in standard play speed (SP).
3. Tapes recorded in extended play (EP) will not be accepted.

## C. Technical Information

1. There must be at least 30 and no more than 90 seconds of black at the head of the tape. Tapes will not be accepted with more than 90 seconds of black before the program. Color bars are not necessary.
2. The black section must be followed by the Viewers Discretion Advisory, if required. The beginning of this Advisory is the beginning of the program.
3. An identification slate, which includes the name and address of the presenter of the program, may then be displayed for at least 10 seconds. A phone number is optional.
4. The program audio and video should begin within 3 seconds of the end of the presenter's slate.
5. Program credits should appear at the end of the program. Credits should include the name of each crewmember (unless anonymity is requested), and allowable credit to the underwriters/sponsors of the show.
6. Repeat the presenter's slate. The end of this page is the end of the show.
7. The end of the show must be followed by 30 seconds of black.

## D. Label Information

The following information must be legibly included on labels affixed to both the videocassette and videocassette box. If the information is not on the label or is unreadable, the tape will not air.

1. Presenter's name, local address, and phone number
2. Program Title
3. Exact length of programs (minutes, seconds, and frames timed from the first frame of the beginning title page to the last frame the end title page)
4. Date (month and year) program is scheduled to air.

## VIII. Infractions and Appeals Process

### A. Violations

Violations of AccessModesto programming policies and procedures, or breaches of the Statement of Compliance may subject the offender to immediate forfeiture of the privilege of using the channel, facilities, and services. The Chief Information Officer, according to the severity and frequency of the infractions, will determine the duration of the forfeiture. Violations of AccessModesto Operating Policies and Procedures will be documented in writing in the user's file. Violators of the AccessModesto Policies and Procedures will face the following penalties:

1. First Violation: Written warning
2. Second Violation: Loss of privileges for 6 months and a possible fine.
3. Third Violation: Subject to Permanent forfeiture of privileges.

## B. Appeals Process

If staff imposes sanctions on a user or refuses to cablecast a user's program, the user may appeal for a hearing. The following steps shall be followed for appeals:

1. Submit a written appeal to the AccessModesto Manager within 15 days of the action. The AccessModesto Manager must then investigate the circumstances surrounding the action and provide a written response.
2. If the user feels his/her concern has not been resolved, the user must present a written report to the Chief Information Officer, which will be reviewed and make recommendations to the AccessModesto Manager and /or the Local Cable Citizen Advisory Committee. If a quorum of the Local Cable Citizen Advisory Committee is not available, appeals will be taken directly to the City Manager to review.
3. The Modesto City Manager may request a public hearing with the City Council.
4. Following investigation, the City Council or Local Cable Citizen Advisory Committee will recommend any action they deem appropriate. The decision will be final and binding upon the AccessModesto user.

I hereby acknowledge having read these AccessModesto Policies and Procedures and agree to abide by these and any other requirements and/or changes that may be instated by AccessModesto or required by The City of Modesto. I understand any violation of the AccessModesto Operating Policies and Procedures may result in immediate forfeiture of privileges on AccessModesto.

\_\_\_\_\_  
**Name of Program**

\_\_\_\_\_  
Signature of Producer

\_\_\_\_\_  
Date

653592v1 05026/0025

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-191**

**A RESOLUTION APPROVING THE RENEWAL OF A ONE-YEAR  
AGREEMENT WITH QUALITY VIDEO FOR GRANTED USE OF THE PUBLIC  
ACCESS CABLE CHANNEL DURING DEDICATED TIME ALLOCATIONS  
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
AGREEMENT.**

WHEREAS, on the 26<sup>th</sup> day of November 2002, by Resolution No. 2002-592, the City Council approved the agreement between City of Modesto and Quality Video to grant specific time allocations to cablecast a daily program entitled “Central Valley Reports” on the AccessModesto Public Access Channel, and

WHEREAS, the City Council now desires to renew for a period of one-year agreement between Quality Video and City of Modesto. (Exhibit B), and

WHEREAS, the time slots allocated for “Central Valley Reports” are as follows:

Tuesday through Saturday - \*7:00 to 7:30 a.m.

Tuesday through Saturday -12:00 to 12:30 p.m.

Monday through Friday - 6:00 to 6:30 p.m.

Monday through Friday - 10:00 to 10:30 pm

Monday through Friday - 11:00 to 11:30 p.m.

WHEREAS, the City of Modesto through AccessModesto Community Television reserves the right to pre-empt any of the above scheduled time slots. Previously scheduled programming will take precedence. In the event of scheduling conflicts, program times will be determined by a lottery system on AccessModesto, and

WHEREAS, Quality Video agrees to provide such program on a format that meets the technical playback requirements of AccessModesto Community Television as set forth in the current Operating Policies and Procedures for AccessModesto, and

WHEREAS, the City of Modesto grants this agreement for a one (1) year period which is renewable at the discretion of the Modesto City Council, and

WHEREAS, Quality Video agrees to provide such program within a timely schedule that meets the technical playback requirements of AccessModesto Community Television, and

WHEREAS, Quality Video shall assume all liability related to all content submitted as part of the Central Valley Reports programs, and shall indemnify and hold harmless the City, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, or resulting from programming written and/or produced by Quality Video, and

WHEREAS, Quality Video shall be solely responsible for obtaining the right to use any patented or copyrighted materials in the performance of this Agreement and shall furnish a warranty of such right to use to City at the request of City, and

WHEREAS, Quality Video has no authority or responsibility to exercise any rights or power vested in the City, and

WHEREAS, Quality Video, its agents, officers and employees are and, at all times during the terms of this Agreement, shall represent and conduct themselves as independent contractors and not as employees of City, and

WHEREAS, the Safety and Communities Committee has reviewed the renewal agreement and recommended that it be submitted to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year agreement with QUALITY VIDEO for granted use of the public access channel during dedicated time allocations.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-192**

**A RESOLUTION ACCEPTING \$300,000 IN GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, CALHOME PROGRAM FOR MORTGAGE ASSISTANCE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.**

WHEREAS, funding for the CalHome Mortgage Assistance Program has been made available by the California Department of Housing and Community Development (Department), Proposition 46, the Housing and Emergency Shelter Trust Fund Act of 2002, to provide funds to local public agencies or non-profit corporations, and

WHEREAS, pursuant to the statute, the Department is authorized to approve funding allocations for the program, subject to the terms and conditions of the program application form, and

WHEREAS, on September 23, 2003, by Resolution No. 2003-508, the City Council approved the submission of a grant application, and the City of Modesto, Parks, Recreation and Neighborhoods (PR&N) Department applied for, and was successful in receiving grant funding in the amount of \$300,000, and

WHEREAS, the PR&N Department shall be subject to the terms and conditions as specified in the standard agreement (Contract), and funds are to be used for allowable expenditures, and

WHEREAS, the application in full is incorporated as part of the Agreement and any and all activities funded, information provided and timelines represented in the application are enforceable through the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts \$300,000 in grant funding under the California Department of Housing and Community Development for CalHome Mortgage Assistance Program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager, or his designee, to execute the Agreement, and any and all instruments required by the Department for this program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-193**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 OPERATING BUDGET TO ESTIMATE \$300,000 IN NEW REVENUE AND APPROPRIATE \$300,000 TO CALHOME MORTGAGE ASSISTANCE PROGRAM (0410-320-3280-0497).**

WHEREAS, on September 23, 2003, by Resolution No. 2003-508, the City Council approved the submission of a grant application to the California State Department of Housing and Community Development for funding under the CalHome Mortgage Assistance Program for \$300,000 for low-income first time homebuyers, and,

WHEREAS, the City of Modesto, Parks, Recreation and Neighborhoods (PR&N) Department applied for, and was successful in receiving grant funding of \$300,000, and

WHEREAS, staff received a grant agreement for the above project in the amount of \$300,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2003-2004 operating budget to estimate \$300,000 in grant revenue from the California Department of Housing and Community Development, and to appropriate \$300,000 to the CalHome Mortgage Assistance Program (0410-320-3280-0497).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-194**

**A RESOLUTION ALLOCATING \$10,000 FROM THE HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET ASIDE FUNDS TO HABITAT FOR HUMANITY, STANISLAUS (HABITAT) FOR DEPOSIT OF A 2-ACRE PARCEL LAND PURCHASE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT.**

WHEREAS, on March 1, 2004, Anita Hellam, Executive Director for Habitat for Humanity, Stanislaus (Habitat), contacted the City of Modesto Parks, Recreation and Neighborhoods Department (PR&N) regarding a two-acre parcel of property that the Habitat Site Selection Committee had recently discovered for sale, and

WHEREAS, Habitat for Humanity was interested in pursuing the property due to the parcel's appropriate zoning and ideal location, and

WHEREAS, the parcel is located at the end of Houser Lane in Southwest Modesto, north of Paradise Road, and

WHEREAS, Habitat has requested \$650,000 to help fund the purchase of the property, and

WHEREAS, the Citizens Housing and Community Development Committee met on March 26, 2004, and recommended funding the \$10,000 deposit from the CHDO set aside funds, and

WHEREAS, this recommendation will also allow staff, as well as the CH&CDC, to more fully study and examine this issue, without penalizing Habitat for the additional time and study needed, and

WHEREAS, funds are budgeted in 1170-320-3259-0508, CHDO Set-aside,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves allocating \$10,000 from the HOME Community Housing Development Organization (CHDO) set aside funds to Habitat for Humanity, Stanislaus (Habitat) for a deposit on a 2-acre parcel land purchase.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-195**

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

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

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

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

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Community Services Supervisor

The job specification for this classification is being created as a result of the need for a new job specification as part of a job audit. The specification for the classification of Community Services Supervisor, as shown on the attached **Exhibit "A"**, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

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

Customer Services Supervisor

The job specification for this classification is being amended as a result of updating the job specification as part of a job audit. The specification for the classification of Customer Services Supervisor, as shown on the attached **Exhibit "B"**, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after April 6, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

No: 3542

## COMMUNITY SERVICES SUPERVISOR

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

### DEFINITION:

To plan, coordinate and administer and manage the activities at City Hall At The Mall (CHATM) and other assigned programs including Sister Cities and the Financial Assistance Program in the Parks, Recreation and Neighborhoods Department.

### SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from upper management staff.

Exercises direct supervision over clerical staff.

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

### Essential Functions:

Recommend goals and objectives including the development and implementation of policies and procedures at City Hall At The Mall, a retail operation; manage all facility needs including acting as a liaison between internal and external clients.

Direct, oversee, and participate in the development of projects; assign work activities; monitor work flow; create attractive and informative displays including window displays; review and evaluate work products, methods, and procedures at City Hall At The Mall.

Respond to requests for information and advise City Departments, governmental agencies, and the public on matters related to assigned areas.

Review and approve applications for assistance related to the Financial Assistance Program; maintain program database.

Coordinate the City's Sister Cities program including acting as a liaison between the council and Sister City's Board to arrange related events and activities.

Maintain the department's registration/reservation software including upgrades; monitor input of classes for the Activity Guide; assist with balancing system to general ledger.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work employees to improve performance; implement discipline procedures as necessary.

Participate in budget preparation; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.

Address a variety of customer service issues and complaints and resolve in an appropriate manner.

Confer with members of the public to respond to complaints and requests for information.

Develop and implement various facility management and reporting procedures for CHATM.

Review, develop, and modify ways to improve existing procedures; ensure conformity to policy and increase effectiveness.

Conduct fiscal analyses and studies.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

Principles and practices of organization and public administration.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Laws regulating public utilities and cashiering, activities. Applicable Federal,

State, and local laws, codes, and regulations.

Budget procedures and techniques.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Interpret and apply rules, regulations, and policies.

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

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

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

Experience:

Four years of increasingly responsible financial experience in a public or utility agency with emphasis in professional utility, collections, cashiering, and customer service; including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college in business administration, accounting, or a related field.

License:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; using various office equipment including a computer and 10-key.

No: 3544

## CUSTOMER SERVICES SUPERVISOR

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

### DEFINITION:

To plan, coordinate and administer assigned sections of the Customer Services Division to include Accounts Receivable, Utility Billing, Cashiering, Business Licensing and Revenue Recovery.

### SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from Deputy Director-Finance.

Exercises direct supervision over technical and clerical staff.

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

#### Essential Functions:

Recommend goals and objectives; assist in the development and implementation of policies and procedures.

Prepare and coordinate completed staff work in assigned area.

Manage a variety of software systems including conversions in assigned area.

Act as a liaison to software vendors involving system upgrades, enhancements, training and the implementation of new software technology.

Provide city-wide training on various systems software including Utility Billing, Accounts Receivable and the Citation Processing system.

Direct, oversee, and participate in the development of the Division's work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

CITY OF MODESTO  
CUSTOMER SERVICES SUPERVISOR  
PAGE 2

Respond to requests for information and advise City Departments, governmental agencies, and the public of City utility, collections, cashiering, accounts receivable, revenue recovery and business license policies.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; implement discipline procedures as necessary.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in intergovernmental meetings for the purpose of developing cooperative methods and practices.

Consult with department directors, city attorney's office and city manager's office on customer service issues including rate setting and municipal code revisions.

Write council agenda reports and resolutions, representing the department at council and committee meetings.

Confer with members of the public to respond to complaints and requests for information.

Review, develop, and modify methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Conduct fiscal analyses and studies.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

Principles and practices of organization and public administration.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

CITY OF MODESTO  
CUSTOMER SERVICES SUPERVISOR  
PAGE 3

Laws regulating public utilities, collections, cashiering, revenue recovery or business license activities. Pertinent Federal, State, and local laws, codes, and regulations.

Budget procedures and techniques.

Mainframe and personal computer applications.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Interpret and apply complex rules, regulations, and policies.

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

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

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

Experience:

Four years of increasingly responsible financial experience in a public or utility agency with emphasis in professional utility, collections, cashiering, or business license work; including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college in business administration, accounting, or a related field.

License:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; using various office equipment including a computer and 10-key.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-196**

**A RESOLUTION AMENDING RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD COMMUNITY SERVICES SUPERVISOR AT RANGE 430 AND CHANGE CUSTOMER SERVICES SUPERVISOR FROM RANGE 428 TO RANGE 432.**

WHEREAS, the City Council desires to amend Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178, (MCMA Memorandum of Understanding), entitled "City of Modesto Class Range Table Represented Management And Confidential Non-Sworn Classes Effective April 8, 2003", is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective April 6, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Community Services Supervisor at Salary Range 430 and changes the salary range for Customer Services Supervisor from Range 428 to Range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 6, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective April 6, 2004

RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Senior Administrative Office Assistant (Confidential) Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary (Represented) Legal Services Technician Systems Technician

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RANGE	TITLE
421	
422	Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I
423	Custodian Supervisor
424	Assistant Planner Buyer
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	Accountant II (Represented) Customer Services Specialist Senior Buyer
429	
430	Associate Planner <b>Community Services Supervisor</b> Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Geographic Information Systems Analyst Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist Systems Analyst

RANGE      TITLE

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- 432    Communications Specialist  
      **Customer Services Supervisor**  
      Neighborhood Preservation Supervisor  
      Operations and Maintenance Supervisor  
      Recreation Supervisor II  
      Senior Accountant  
      Water Quality Control Maintenance Supervisor  
      Water Quality Control Operations Supervisor  
      Youth Program Supervisor
- 433    Organizational Development Specialist
- 434    Arborist  
      Assistant Civil Engineer  
      Assistant Traffic Engineer  
      Budget Analyst II  
      Electrical Supervisor  
      Events Supervisor II  
      Geographic Information Systems Coordinator  
      Laboratory & Environmental Monitoring Supervisor  
      Operations Supervisor  
      Regulatory Compliance Supervisor  
      SCADA Supervisor  
      Senior Housing Rehabilitation Specialist  
      Senior Programmer Analyst
- 435    Business Analyst  
      Cultural Services Manager  
      Integrated Waste Specialist  
      Management Analyst  
      Senior Personnel Analyst
- 436    Senior Planner
- 437

RANGE      TITLE

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- 438    Budget Officer  
      Communications and Marketing Manager  
      Development and Operations Coordinator  
      Financial/Investment Officer  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      Systems Engineer  
      Transportation Planner
- 439    Administrative Services Officer  
      Community Facilities Districts Administrative Officer
- 440    Associate Civil Engineer  
      Associate Traffic Engineer
- 441    Airport Manager  
      Building Maintenance Superintendent  
      Fire Marshal  
      Fleet Manager  
      Golf Services Manager  
      Parks Operations Superintendent  
      Parks Planning and Development Manager  
      Police Records Manager  
      Recreation Superintendent  
      Solid Waste Program Manager  
      Streets Engineer  
      Transit Manager  
      Urban Forestry Superintendent  
      Wastewater Collections Superintendent  
      Water Superintendent
- 442    Customer Services Division Manager  
      Information Services Manager  
      Manager of Budget and Financial Analysis  
      Supervising Building Inspector  
      Supervising Construction Inspector
- 443

RANGE	TITLE
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444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
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445	Accounting Division Manager Housing and Neighborhoods Division Manager
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446	Water Quality Control Superintendent
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447	Business Development Division Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
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**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-197**

**A RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT WITH  
THE YOSEMITE COMMUNITY COLLEGE DISTRICT FOR RETENTION OF A  
MODESTO POLICE LIEUTENANT AS DIRECTOR OF THE RAY SIMON  
REGIONAL CRIMINAL JUSTICE TRAINING CENTER AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the Yosemite Community College District is desirous of retaining a Modesto Police Lieutenant as Director of its Ray Simon Regional Criminal Justice Training Center, and

WHEREAS, the Commission on Peace Officer Standards and Training is supportive of this business model, and

WHEREAS, the City of Modesto Police Department can provide a Police Lieutenant for this position, and

WHEREAS, a fulltime sworn Police Manager will benefit both the Yosemite Community College District in the provision of its Law Enforcement Academy and benefit law enforcement agencies in the greater Modesto area that hire the graduates of that academy, and

WHEREAS, the total cost (\$128,718) of this position for fiscal year 2003/2004 will be paid by the Yosemite Community College District,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the agreement with the Yosemite Community College District for a Modesto Police Lieutenant at a cost of \$128,718 to serve as Director of the Ray Simon Regional Criminal Justice Training Center.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-198**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003/2004 ANNUAL  
BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR A  
CONSULTANT SERVICES AGREEMENT WITH THE YOSEMITE  
COMMUNITY COLLEGE DISTRICT FOR A MODESTO POLICE  
LIEUTENANT TO DIRECT THE RAY SIMON REGIONAL CRIMINAL  
JUSTICE TRAINING CENTER**

WHEREAS, the Yosemite Community College District entered into a agreement with the City of Modesto for retention of a Modesto Police Manager to serve as Director of its Ray Simon Regional Criminal Justice Training Center, and

WHEREAS, the annual cost of this Modesto Police Manager is \$128,718 which is payable by the Yosemite Community College District to the City of Modesto under the terms of the agreement,

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

To Revenue:	<u>Amount:</u> \$128,718	<u>Account:</u> 0100-190-1921-4062
From YCCD		YCCD Training Partnership
To Expenditure:	\$128,718	0100-190-1921-0100 and 0188
From the City of Modesto		Salaries and Benefits
Police Department Budget		

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-199**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAXES AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT**

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on March 2, 2004, adopt its Resolution No. 2004-127, entitled "A Resolution of the City Council of the City of Modesto of Intention to Establish City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Authorize the Levy of Special Taxes Therein" stating its intention to establish its City of Modesto Community Facilities District No. 2004-1 (Village One #2) (the "District"), and levy special taxes therein, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, Resolution No. 2004-127 (1) describing the proposed boundaries of the District, the name of the District, and the types of facilities (the "Facilities") and services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Facilities to be financed by the District, including the incidental expenses thereof, and/or the principal and interest as it becomes due on the bonds of the District issued to finance such Facilities, and the Services, special taxes sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied within

the boundaries of the District, (3) specifying the rate, method of apportionment, and manner of collection of the special taxes in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference; and

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

WHEREAS, at the time and date set for the hearing, April 6, 2004, this Council held the public hearing as required by law relative to the proposed formation of the District, the levy of the special taxes, and all other matters set forth in Resolution No. 2004-127; and

WHEREAS, at least 15 days prior to the hearing, a map of the proposed boundaries of the District, entitled "Boundary Map of City of Modesto Community Facilities District No. 2004-1 (Village One #2)" (the "Boundary Map") was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Book 3 of Maps of Assessment and Community Facilities Districts, at page 85; and

WHEREAS, prior to the hearing a report (the "Report") containing a description of the Facilities and Services required to adequately meet the needs of the District and an estimate of the cost of providing the Facilities and Services, including, to the extent the purchase of completed Facilities or the payment of incidental expenses is proposed, the estimated fair and reasonable cost thereof, including the costs of the proposed bond

financing, was filed with this Council as a part of the record of the hearing and duly considered by this Council; and

WHEREAS, the special tax consultant to the City has recommended that the rate and method of special taxes, attached as Exhibit A to Resolution No. 2004-127, be revised in order to make certain administrative and clarifying amendments. Such amendments have been incorporated into the Report and into Exhibit A hereto. The revisions do not increase either the maximum special taxes or the probable special taxes to be paid by the owner of any lot or parcel.

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special taxes, and all other matters set forth in Resolution No. 2004-127, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific type or types of Facilities or Services, were heard and considered, and a full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters relating to the formation of the District, the levy of the special taxes, and all other matters set forth in Resolution No. 2004-127; and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Facilities and Services within the District as listed in the Report, or the levying of the special taxes, have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or

the owners of one-half (1/2) or more of the area of land in the territory proposed to be included in the District and not exempt from this special taxes; and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than twelve (12) registered voters residing in the District; accordingly, the qualified electors in the District are the landowners; and

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

NOW THEREFORE, BE IT RESOLVED, that the Council hereby finds and determines as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The proposed special taxes to be levied in the District have not been precluded by majority protest pursuant to Section 53324 of the Act. All protests (there were none) to the establishment of the District, the extent thereof, or the furnishing of the Facilities and Services proposed therefor, or the levy of the special taxes proposed to be levied in the District, are hereby overruled.

SECTION 3. As proposed in Resolution No. 2004-127, a community facilities district is hereby established pursuant to the Act, designated "City of Modesto Community Facilities District No. 2004-1 (Village One #2)," the boundaries of which are shown on the Boundary Map.

SECTION 4. (a) The Facilities to be financed by the District are set forth in Exhibit B attached hereto and by this reference incorporated herein. The Facilities are public facilities having a useful life of five years or longer.

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

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

SECTION 5. (a) The Services to be financed by the District are set forth in Exhibit C attached hereto and by this reference incorporated herein. The proposed Services are governmental services which the City is authorized by law to provide since they are in addition to those provided in the territory of the District before the District was created.

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

SECTION 6. The Report related to the Facilities and Services shall be a part of the record in these proceedings. For purposes hereof, the Report shall refer to the Report as modified, amended, revised or corrected pursuant to and in accordance with any resolution or order heretofore adopted or made by this Council.

SECTION 7. (a) As stated in Resolution No. 2004-127, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy special taxes sufficient to pay for the Facilities to be financed by the District, and/or the principal and interest as it becomes due on bonds issued to finance such Facilities, the Services to be financed by the District, and to pay

incidental expenses related thereto, secured by recordation of a continuing lien against all nonexempt real property in the District.

(b) For purposes hereof, expenses shall include the payment in full of all amounts necessary to eliminate any fixed special assessment liens or to pay, repay, or defease any obligation to pay or any indebtedness secured by any tax, fee charge, or assessment levied within the area of the District or to pay debt service on that indebtedness.

(c) The rate, method of apportionment, and manner of collection of the special taxes, in sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A attached hereto and by this reference incorporated herein.

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

(e) Any reimbursement made to the District pursuant to Section 53313.5(e) of the California Government Code shall be utilized to reduce or minimize the special taxes levied within the District or to finance additional Facilities within the District.

(f) Landowners may prepay the “Annual Facilities Special Tax” component of the special taxes (as defined in Exhibit A) pursuant to the procedures set forth in Exhibit A.

(g) The special taxes as apportioned to each parcel pursuant to Exhibit A is based on the cost of making the Facilities and Services available to each parcel, or other reasonable basis, and is not based on or upon the ownership of real property.

(h) Pursuant to Section 53314.9 of the Act, this Council may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, and may provide, by resolution, for the use of those funds or that work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the District.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 2004-127, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9. The District Administrator is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the District Administrator, and the person responsible for administering the District, is as follows:

District Administrator  
City of Modesto  
Tenth Street Place  
P.O. Box 642  
Modesto, California 95353  
(209) 577-5211

Such officer is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the Act.

SECTION 10. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 13 and 14 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special taxes were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the special taxes by this Council ceases, or, in the case of the Annual Facilities Special Tax Component of the special taxes (as defined in Exhibit A), the obligation to pay that component of the special taxes is prepaid and permanently satisfied and the lien thereof cancelled in accordance with the Act.

SECTION 11. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 12. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, is hereby preliminarily established at \$75,000,000, and this annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall thereafter be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

SECTION 13. This Council hereby calls a special election and submits the question of levying the special taxes, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election.

(a) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District. The vote shall be by such landowners, or their authorized representatives, each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner, all as provided in Section 53326 of the Act.

(b) The Council hereby designates the City Clerk, and the City Clerk hereby agrees to serve, as the election official to conduct the election. The shortening of the election as herein provided has been concurred in by the City Clerk.

(c) If the City Clerk receives appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 6<sup>th</sup> day of April, 2004, the election shall be held on the 6<sup>th</sup> day of April, 2004. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived by the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327 of the Act. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

(f) Unless waived by the Landowners, the City Clerk shall publish this Resolution as notice of the special election.

SECTION 14. This Council hereby further directs that the election at which the question of levying the special taxes and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District be consolidated with the election at which the question of incurring a bonded indebtedness in an aggregate principal amount not to exceed \$75,000,000 for the District, as set forth in Resolution No. 2004-128, is submitted to the qualified electors with the District, and the question of levying the special taxes shall be combined in one ballot proposition with the question of incurring such bonded indebtedness and the question of establishing an appropriations limit for the District, all as provided by the Act; and this Council further directs that the resolution adopted by this Council determining the necessity to incur such bonded indebtedness shall constitute the notice of the consolidated election on the combined propositions of authorizing the levy of the special tax, establishing an appropriations limit, and incurring such bonded indebtedness. However, the giving of such notice is waived if the City Clerk receives unanimous consent to such waiver from the Landowners.

SECTION 15. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the special taxes, as determined by this Council after the canvass of the returns of the consolidated election, this Council may levy the special taxes within the District in the amount and for the purposes specified in this Resolution. The special taxes may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special taxes may be levied at a lower rate.

SECTION 16. The City Clerk, as the designated election official, shall, within three business days after the adoption of this Resolution, obtain a certified copy thereof. The City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 17. The Council hereby determines that the formation of the proposed District is the creation of a government funding mechanism which is not a project under the provisions of C.E.Q.A. pursuant to Section 15378(b)(4) of the C.E.Q.A. guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahb  
JEAN ZAHB, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## EXHIBIT A

### CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

#### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2004-1 (Village One #2) [herein "CFD No. 2004-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2004-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2004-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City carrying out its duties with respect to CFD No. 2004-1 and the Bonds, including, but not limited to, levying and collecting the Special Taxes, the fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Taxes, costs associated with complying with any continuing disclosure requirements for the Bonds and the Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

**"Administrator"** means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**"Annual Facilities Special Tax"** means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below.

**“Annual Facilities Special Tax Requirement”** means the amount necessary in any Fiscal Year (i) to pay principal and interest, including scheduled sinking fund payments, on Bonds, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Maintenance Special Tax Requirement for the Fiscal Year, (iii) to create or replenish reserve funds, (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2004-1 which have occurred in the prior Fiscal Year or (based on delinquencies in the payment of the Annual Facilities Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) to construct or acquire Authorized Facilities. The amounts referred to in clauses (i) and (iii) of the preceding sentence may be reduced in any Fiscal Year by: (i) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to a Bond indenture, Bond resolution, or other legal document that sets forth these terms; (ii) proceeds received by CFD No. 2004-1 from the collection of penalties associated with delinquent Annual Facilities Special Taxes; and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

**“Annual Maintenance Special Tax”** means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

**“Annual Maintenance Special Tax Requirement”** means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Facilities Special Tax Requirement for the Fiscal Year, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

**“Assessor’s Parcel”** or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

**“Assessor’s Parcel Map”** means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

**“Authorized Facilities”** means those facilities that are authorized to be funded by CFD No. 2004-1.

**“Authorized Services”** means those services that are authorized to be funded by CFD No. 2004-1.

**“Bonds”** means bonds or other debt (as defined in the Act), whether in one or more series, issued, insured or assumed by CFD No. 2004-1 related to Authorized Facilities.

**“Capitalized Interest”** means funds in any capitalized interest account available to pay debt service on Bonds.

**“CFD Formation”** means the date on which the Resolution of Formation to form CFD No. 2004-1 was adopted by the City Council.

**“City”** means the City of Modesto.

**“City Council”** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2004-1.

**“Commercial Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a commercial building based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“County”** means the County of Stanislaus.

**“Developed Property”** means, in any Fiscal Year, the following:

*For purposes of levying the Annual Maintenance Special Tax, “Developed Property” means:*

- for Low Density Residential Property and Village Residential Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,
- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and
- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

*For purposes of levying the Annual Facilities Special Tax, “Developed Property” means:*

- for Low Density Residential Property and Village Residential Property, all Parcels for which a building permit for construction, or reconstruction of a unit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,
- for Multi-Family Attached Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and
- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property

until a permit is issued for construction of a new building or reconstruction of the existing building.

**“Expected Land Uses”** means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel in CFD No. 2004-1 based on reference to the Expected Land Use Map. The Expected Land Uses for each Original Parcel in the CFD at the time of CFD Formation, and the corresponding Maximum Special Tax for each Parcel, are reflected in Attachment 2, which will be updated with each annexation of property into CFD No. 2004-1.

**“Expected Land Use Map”** means the map entitled “Village One Zoning of Unvested Properties” which is on file with the CFD Administrator at the City and the City Clerk and which identifies the Expected Land Uses on all Parcels within the Village One Specific Plan that either (i) are in CFD No. 2004-1 at CFD Formation, or (ii) may be annexed into the CFD in future Fiscal Years. The Expected Land Use Map may be updated in future years to add property within the Village One Specific Plan that was vested to develop when the map was prepared and, therefore, was not included in the map but subsequently has its vesting expire or for any other reason becomes subject to a condition of development that requires formation of, or annexation into, a CFD.

**“Final Map”** means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term “Final Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor’s Parcels that are designated as remainder parcels.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Improvement Area”** means a geographic area that, upon annexation into CFD No. 2004-1, is identified as an improvement area as defined in the Act instead of a Tax Zone, as defined below. Special Taxes collected within an Improvement Area will be the sole security for Bonds issued for that Improvement Area.

**“Industrial Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of an industrial building based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“Land Use Class”** means one of the five mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A. The City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation.

**“Low Density Residential Property”** means all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“Maximum Annual Facilities Special Tax”** means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Annual Maintenance Special Tax”** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum One-Time Facilities Special Tax”** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Special Taxes”** means, collectively, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

**“Multi-Family Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units. If a building permit has not yet been issued on the Parcel, the Administrator shall reference the Village One Specific Plan and/or the Parcel’s zoning designation to determine whether the Parcel is Multi-Family Property.

**“Net Taxable Acreage”** or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

**“One-Time Facilities Special Tax”** means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

**“Original Parcel”** means an Assessor’s Parcel in CFD No. 2004-1 at the time of CFD Formation or added to the CFD upon annexation, as identified in Attachment 2 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

**“Per-Acre Special Taxes”** means the per-acre Special Taxes identified in Table 1 in Section C below.

**“Proportionately”** means, for Developed Property, that the ratio of the actual Annual Facilities Special Tax and Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax authorized to be

levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property, respectively. In addition, for Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Facilities Special Tax and actual Annual Maintenance Facilities Special Tax to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax is equal for all Assessor's Parcels of Undeveloped Property, respectively.

**"Public Property"** means any property within the boundaries of CFD No. 2004-1 that is owned by the federal government, State of California, County, City, or other public agency.

**"Single Family Detached Lot"** means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

**"Special Taxes"** means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**"Special Tax Category"** means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**"Subdivision Map"** means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

**"Successor Parcel"** means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of CFD No. 2004-1 which are not exempt from the Special Tax pursuant to law or Section G below.

**"Taxable Public Property"** means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2004-1 that, (i) based on the Village One Specific Plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

**"Tax Zone"** means a mutually exclusive geographic area within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment of Special Taxes. Attachment 1 identifies the Tax Zone in CFD No. 2004-1 at CFD Formation; additional Tax Zones may be created when property is annexed into the CFD. Alternatively, additional Original Parcels may be added to a Tax Zone with assigned Maximum Special Taxes based on the Expected Land Uses on each Original Parcel.

**"Tax Zone #1"** means the geographic area that is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #1. Tax Zone #1 may be expanded to include additional Original Parcels that annex to CFD No. 2004-1; Attachments 1 and 2 will be updated each time such an annexation takes place.

**"Undeveloped Property"** means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2004-1 that are not Developed Property.

**“Village One Specific Plan”** means the specific plan for development within the Village One project in the City of Modesto adopted by the City Council on April 1, 2003, as amended from time to time.

**“Village Residential Property”** means, in any Fiscal Year, all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**B. DATA FOR ANNUAL ADMINISTRATION**

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property in CFD No. 2004-1. The Administrator shall also determine: (i) the Tax Zone within which each Parcel of Taxable Property is located, (ii) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) which Parcels are Commercial Property, Industrial Property, Multi-Family Property, Low Density Residential Property, and Village Residential Property (the City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation), (iv) the Net Taxable Acreage of each Parcel, and (v) the Annual Facilities Special Tax Requirement and the Annual Maintenance Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2004-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Original Parcel or Successor Parcel that was subdivided by recordation of the parcel map.

**C. CALCULATING MAXIMUM SPECIAL TAXES**

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in CFD No. 2004-1 in each Fiscal Year, including the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax. A separate method of calculating the Maximum Special Taxes may be identified for Tax Zones or Improvement Areas added to CFD No. 2004-1 as a result of future annexations. The Per-Acre Special Taxes set forth in Table 1 below shall be used for purposes of Sections C.1 and C.2 below:

**Table 1**  
**Per-Acre Special Taxes**  
**Fiscal Year 2004-05 \***

<b>Land Use Class</b>	<b>Per-Acre Special Tax: One-Time Facilities Special Tax</b>	<b>Per-Acre Special Tax: Annual Facilities Special Tax</b>	<b>Per-Acre Special Tax: Annual Maintenance Special Tax</b>
Low Density Residential Property	\$13,342 per Net Taxable Acre	\$3,517 per Net Taxable Acre	\$525 per Net Taxable Acre
Village Residential Property	\$30,281 per Net Taxable Acre	\$6,405 per Net Taxable Acre	\$1,233 per Net Taxable Acre
Multi-Family Property	\$101,437 per Net Taxable Acre	\$7,222 per Net Taxable Acre	\$4,020 per Net Taxable Acre
Commercial Property	\$52,102 per Net Taxable Acre	\$3,570 per Net Taxable Acre	\$920 per Net Taxable Acre
Industrial Property	\$13,103 per Net Taxable Acre	\$2,550 per Net Taxable Acre	\$920 per Net Taxable Acre

*\* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.*

**1. Original Parcels**

The Maximum Special Taxes for each Land Use Class in the Original Parcel in CFD No. 2004-1 as of CFD Formation is identified in Attachment 2. Attachment 2 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in Attachment 2 (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to a Land Use Class that has higher Per-Acre Special Taxes, as shown in Table 1 above. Upon approval of such change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update Attachment 2 to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

2. **Successor Parcels**

a. ***All Successor Parcels are Single Family Detached Lots***

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

**Step 1:** Determine the greater of (i) the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property within the Subdivision Map multiplied by the Per-Acre Special Taxes for such Land Use Classes from Table 1 above. If the Subdivision Map includes both Low Density Residential Property and Village Residential Property, separately calculate the amount that applies to each Land Use Class.

**Step 2:** Separately for any Low Density Residential Property and Village Residential Property created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. ***No Successor Parcels are Single Family Detached Lots***

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

**Step 1:** Identify the Expected Land Uses for the Original Parcel.

**Step 2:** Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

**Step 3:** If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

**Step 4:** If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category:**

**Step 4a.** Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

**Step 4b.** If the amount calculated in Step 4a is **greater than** the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 above to determine the Maximum Special Tax for each Successor Parcel.

**Step 4c.** If the amount calculated in Step 4a is **less than** the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 above.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**c. *Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall (i) break out the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property separately from the Net Taxable Acreage of other Land Use Classes, (ii) for the Low Density Residential Property and/or Village

Residential Property created by the Subdivision Map, apply the steps in Section C.2a to determine the Maximum Special Taxes for each Single Family Detached Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for Land Use Classes other than Low Density Residential Property and Village Residential Property.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.**

**D. ESCALATION OF MAXIMUM SPECIAL TAXES**

**1. One-Time Facilities Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

**2. Annual Facilities Special Tax**

Beginning in Fiscal Year 2005-06, and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

**3. Annual Maintenance Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

**E. METHOD OF LEVY OF THE SPECIAL TAX**

**1. One-Time Facilities Special Tax**

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2004-1 and shall be collected as set forth in Section F below.

**2. Annual Facilities Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year. The Annual Facilities Special Tax shall then be levied on all Parcels of Taxable Property in CFD No. 2004-1 as follows:

*Step 1:* The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Special Tax Requirement prior to applying any Capitalized Interest that is available in the CFD accounts;

*Step 2:* If additional revenue is needed after Step 1, and after applying Capitalized Interest to the Annual Facilities Special Tax Requirement, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

*Step 3:* If additional revenue is needed after applying the first two steps, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Facilities Special Tax assigned to each Parcel of Taxable Public Property.

**3. Annual Maintenance Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

*Step 1:* The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

*Step 2:* If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped

Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

**Step 3:** If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

#### **F. COLLECTION OF SPECIAL TAX**

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2004-1, and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax for CFD No. 2004-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall an Annual Facilities Special Tax be levied after Fiscal Year 2060-61. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services of the CFD and all Administrative Expenses have been reimbursed. Under no circumstances may the Annual Facilities Special Tax on one Parcel in the CFD be increased by more than ten percent (10%) as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels in the CFD.

#### **G. EXEMPTIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Taxes, no Special Taxes shall be levied on Public Property, except Taxable Public Property, as defined herein.

#### **H. PREPAYMENT OF SPECIAL TAX**

The following definitions apply to this Section H:

**“Outstanding Bonds”** means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor's Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains

outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

**“Previously Issued Bonds”** means all Bonds that have been issued on behalf of the CFD prior to the date of prepayment.

**“Public Facilities Requirements”** means either \$1,327,000 in 2004 dollars, which shall increase on January 1, 2005, and on each January 1 thereafter by the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or such other number as shall be determined by the City as sufficient to fund Authorized Facilities. The Public Facilities Requirements shown above shall be adjusted or a separate Public Facilities Requirements identified each time property annexes into CFD No. 2004-1; at no time shall the added Public Facilities Requirement for the annexation area exceed the amount of public improvement costs that are expected to be supportable by the Maximum Annual Facilities Special Tax generated within that annexation area.

**“Remaining Facilities Costs”** means the Public Facilities Requirements (as defined above), minus costs of Authorized Facilities funded by Outstanding Bonds (as defined above), developer equity, and/or any other source of funding.

The Annual Facilities Special Tax obligation applicable to an Assessor’s Parcel in the CFD may be prepaid and the obligation of the Assessor’s Parcel to pay the Annual Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Annual Facilities Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor’s Parcel intending to prepay the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
less	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1:** Compute the total Maximum Annual Facilities Special Tax that could be collected from the Assessor’s Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.

- Step 2:* Divide the Maximum Annual Facilities Special Tax from Step 1 by the total amount that could be collected if the Maximum Annual Facilities Special Tax was levied on all Parcels of Taxable Property in the CFD.
- Step 3:* Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the “**Bond Redemption Amount**”).
- Step 4:* Compute the current Remaining Facilities Costs (if any).
- Step 5:* Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (the “**Remaining Facilities Amount**”).
- Step 6:* Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (the “Redemption Premium”).
- Step 7:* Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds, which, depending on the Bond offering document, may be as early as the next interest payment date.
- Step 8:* Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:* Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (the “**Defeasance Requirement**”).
- Step 10:* Determine the costs of computing the prepayment amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the “**Administrative Fees and Expenses**”).
- Step 11:* If and to the extent so provided in the indenture pursuant to which the Outstanding Bonds to be redeemed were issued, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “**Reserve Fund Credit**”).
- Step 12:* The Annual Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (the “**Prepayment Amount**”).

If an owner that has prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original prepayment for the Parcel.

**I. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

## **EXHIBIT B**

### **DESCRIPTION OF FACILITIES**

All facilities described herein are as presented in the Village One Facilities Master Plan ("FMP") update, dated May 2003. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within CFD 2004-1.

#### **A. Arterial Roads:**

Included in the FMP are improvements to four arterial roads that will be funded by the CFD. They include Roselle Ave., from Briggsmore to the northern boundary of Village One (north of Sylvan), Floyd Ave. from Oakdale Rd. to Claus Rd., Oakdale Rd. from Briggsmore to Sylvan Ave., and Sylvan Ave. from Oakdale Rd. to Claus Rd. Also included in the CFD is partial funding for a pedestrian overcrossing on Sylvan Ave. to serve the new high school.

#### **B. Storm Drain System:**

The storm drainage system for Village One contains three detention basins:

1. West Basin: Dual-use basin that pumps water to the Central Basin.
2. Central Basin: Percolation/detention basin that pumps water to the MID Lateral #3 and may pump to Dry Creek via Claus Rd. at some time in the future.
3. East Basin: Dual-use basin that pumps water to Dry Creek via Claus Rd.

The facilities to be funded by the CFD include: basin property, trunk pipelines, force mains, pump stations, and other necessary appurtenances.

#### **C. Parks:**

Three neighborhood parks and one community park will be developed within the Village One Specific Plan area. The development of the parks will include the acquisition of land, park improvements and street frontage improvements for the Grogan Community Park, the Roselle Neighborhood Park, the Claus Neighborhood Park and the Merle Neighborhood Park.

In addition, buffer land for the community park is to be acquired, a bike trail is to be developed along MID Lateral No. 3, and a trail is to be developed along Claus Rd.

#### **D. Public Facilities:**

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

E. Other:

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

## **EXHIBIT C**

### **DESCRIPTION OF SERVICES**

Included in this CFD is the maintenance of the Grogan Community Park, Roselle Neighborhood Park, Merle Neighborhood Park, Claus Neighborhood Park, arterial road parkway, median and roundabout landscaping, connector street parkway, median and roundabout landscaping, bike trails and storm drain facilities.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-200**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THE NECESSITY TO INCUR A BONDED INDEBTEDNESS WITHIN PROPOSED CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE PROPOSITION TO THE QUALIFIED ELECTORS OF THE DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Modesto (the “City”), did, on March 2, 2004, adopt its Resolution No. 2004-127, entitled “A Resolution of the City Council of the City of Modesto of Intention to Establish City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein” (the “Resolution of Intention to Establish the District”) stating its intention to form Community Facilities District No. 2004-1 (the “District”) pursuant to Chapter 2.5 of Part 1 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”);

WHEREAS, on such date this Council also adopted its Resolution No. 2004-128, entitled “A Resolution of the City Council of the City of Modesto of Intention to Incur Bonded Indebtedness in an Amount not to Exceed \$75,000,000 within Proposed City of Modesto Community Facilities District No. 2004-1 (Village One #2)” (the “Resolution of Intention to Incur Indebtedness”) stating its intention to incur bonded indebtedness within the boundaries of the District for the purpose of financing the Facilities to be financed by the District as specified in the Resolution of Intention to Establish the District;

WHEREAS, at the time and date set for the hearing (April 6, 2004) pursuant to the Resolution of Intention to Establish the District, this Council held the public hearing, as required by the Act, relative to the formation of the District, the provision of the

Facilities, as well as the Services specified in the Resolution of Intention to Establish the District, and the rate, method of apportionment, and manner of collection of the special taxes to be levied within the District;

WHEREAS, on April 6, 2004, pursuant to the Resolution of Intention to Incur Indebtedness, this Council held the public hearing as required by the Act relative to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness;

WHEREAS, no written protests with respect to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness were filed with the City Clerk as of the closing of the hearing thereon;

WHEREAS, subsequent to the hearings, this Council did, on April 6, 2004, adopt its Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling and Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), which describes the Facilities and Services to be financed by the District;

WHEREAS, this Council did, in the Resolution of Formation, and in accordance with Sections 53325.7 and 53353.5 of the Act, determine to consolidate the election on the levy of the special taxes and the establishment of an appropriations limit for the District with the election on whether to incur a bonded indebtedness in the District;

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the District; accordingly, the qualified electors in the District are the landowners; and

WHEREAS, the City Clerk, being this Council's designated election official for purposes of the election, has concurred in the date herein set forth for the election.

NOW, THEREFORE, the Council hereby finds and determines and orders as follows:

1. The foregoing recitals are true and correct.
2. This Council deems it necessary to incur bonded indebtedness.
3. The indebtedness will be incurred for the purpose of financing the construction and/or acquisition of certain public facilities (the "Facilities"), having a useful life of five years or longer, and the paying of incidental expenses thereof, as provided in the Resolution of Formation.
4. The whole of the District shall pay for the bonded indebtedness.
5. The amount of bonded indebtedness to be incurred is not to exceed \$75,000,000.
6. The maximum term of the bonds of any series thereof shall not exceed thirty-five (35) years from their date.
7. The bonds shall bear interest at rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued, payable semiannually or in such other manner as this Council shall determine, the actual rate or rates and times of payment of such interest to be determined by this Council at the time or times the bonds are issued.
8. The proposition of incurring the bonded indebtedness shall be submitted to the voters of the District and, pursuant to Section 53353.5 of the Act and the Resolution of Formation, the propositions on the levy of a special taxes, the establishment of an appropriations limit, and whether to incur the bonded indebtedness shall be combined in a single ballot measure substantially in the form attached hereto as **Exhibit A**.

9. A special consolidated election is hereby called at which the measures referenced in Section 8 shall be submitted to the qualified electors of the District. The election shall be held in accordance with and subject to the Act, all the terms of which shall, unless waived as herein provided, be applicable to the election.
10. Fewer than twelve (12) persons have been registered to vote within the territory of the District for the ninety (90) days preceding the close of the hearings on the special tax levy and the proposed bonded indebtedness. Accordingly, the vote shall be by the landowners of the District, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the District. The City Clerk shall canvass the returns and certify the results of the election to this Council.

The City Clerk has received the appropriate waivers of time limits and other requirements pertaining to the conduct of the election by the owners of all of the Land within the District (the "Landowners") and the election shall be held on the 6<sup>th</sup> day of April, 2004. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

11. In accordance with Section 53327(b) of the Act, analysis and arguments as required by Section 53327(a) of the Act are hereby waived subject to the unanimous consent of Landowners, as herein provided.
12. If two-thirds (2/3) of the votes cast upon the question of incurring the bonded indebtedness are cast in favor of the indebtedness, this Council may thereafter, at the time or times it deems proper, incur the indebtedness so authorized.
13. The publication of this resolution as notice of special bond election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowners.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

SAMPLE

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2004-1 (Village One #2)

OF

THE CITY OF MODESTO

STATE OF CALIFORNIA

SPECIAL TAX AND BOND ELECTION

April 6, 2004

BALLOT NO. \_\_\_\_

\_\_\_\_ % of land in District

You are entitled to cast \_\_\_\_ votes

(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO." All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5398, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED

TO VOTE OF VOTERS

**Proposition A.** Shall an appropriations limit in the amount of \$75,000,000 per fiscal year be established for Community Facilities District No. 2004-1 (the "District") of the City of Modesto ("the City"), and shall special taxes with the rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-127 (the "Resolution of Intention") adopted by the City Council of the City of Modesto on March 2, 2004, including any amendments thereto up to, and including the election date, which are incorporated herein by this reference, be levied within the District in order to finance certain public facilities (the "Facilities") as set forth in the Resolution of Intention and services (the "Services") also set forth in the Resolution of Intention, including any incidental expenses related thereto, and shall a bonded indebtedness in the amount of not to exceed \$75,000,000 be incurred within the District in order to finance the Facilities?

YES

NO

BALLOT NO.

\_\_\_\_ % of land in District

THIS BALLOT HAS A VALUE OF \_\_\_\_ VOTES

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-201**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
CANVASSING THE RESULTS OF THE APRIL 6, 2004, ELECTION HELD  
WITHIN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT  
NO. 2004-1 (VILLAGE ONE #2)**

WHEREAS, this Council is conducting proceedings pertaining to the formation of City of Modesto Community Facilities District No. 2004-1 (Village One #2) (the "District"), the authorization to incur a bonded indebtedness in an amount not to exceed \$75,000,000 within the District, the establishment of an appropriations limit for the District, and the levy of a special taxes sufficient to pay all costs necessary to (i) finance certain Facilities and Services, as described in the City's Resolution No. 2004-127, adopted on March 2, 2004, and (ii) administer and pay debt service on the bonds of the District issued to finance the Facilities, including any incidental expenses related thereto as authorized by law; and

WHEREAS, the owners of all of the property in the District waived those provisions related to the timing and conduct of the election referenced in Sections 13 and 14 of this Council's Resolution No. 2004-200 and Sections 9, 10 and 11 of this Council's Resolution No. 2004-200, each adopted on April 6, 2004, and, as a result, this Council called an election within the District (the "Election") for April 6, 2004, relative to the foregoing; and

WHEREAS, on April 6, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that the proposition of incurring a bonded indebtedness, levying the special taxes, and establishing an appropriations limit for the District was approved by at least two-thirds (2/3) of the votes cast at the Election;

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

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto. It is hereby determined that the owners of the property in the District is as set forth in the Affidavit of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached hereto as **Exhibit A**.

3. The City Clerk is directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election.

4. The City Clerk is further authorized and directed to record a notice of special tax lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City

Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT A**


**CERTIFICATE OF CITY CLERK**

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-199, the Resolution of Formation, adopted on April 6, 2004 by the City Council of the City of Modesto, I did conduct a Special Tax and Bond Election for City of Modesto Community Facilities District No. 2004-1 (Village One #2) on April 6, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

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

**Proposition A.** Shall an appropriations limit in the amount of \$75,000,000 per fiscal year be established for City of Modesto Community Facilities District No. 2004-1 (the "District") of the City of Modesto ("the City"), and shall special taxes with the rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-127 (the "Resolution of Intention") adopted by the City Council of the City of Modesto on March 2, 2004, including any amendments thereto up to, and including the election date, which are incorporated herein by this reference, be levied within the District in order to finance certain public facilities (the "Facilities") as set forth in the Resolution of Intention and services (the "Services") also set forth in the Resolution of Intention, including any incidental expenses related thereto, and shall a bonded indebtedness in the amount of not to exceed \$75,000,000 be incurred within the District in order to finance the Facilities?

TOTAL VOTES CAST:      YES 23      NO 0

  
\_\_\_\_\_  
Jean Zahr  
City Clerk of the City of Modesto  
Dated: 4/7, 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-202**

**THIS RESOLUTION NUMBER  
WAS NOT USED.**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-203**

**RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041); AMENDING SECTION 8-4-9 OF THE ZONING MAP TO PREZONE APPROXIMATELY 1.854 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF GLENN AVENUE WEST OF GUTHERIE STREET TO LOW DENSITY RESIDENTIAL ZONE, R-1 AND ANNEX SAID PROPERTY TO THE CITY OF MODESTO, THE MODESTO SEWER DISTRICT NO. 1 AND TO DETACH SAID PROPERTY FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT (OWNER: MODESTO CITY SCHOOLS).**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the updated Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Modesto City Schools is the owner of approximately 1.854 acres of real property, located on the north side of Glenn Avenue west of Gutherie Street ("Property"), and

WHEREAS, Becky Meredith on behalf of Modesto City Schools has proposed that the zoning designation for the Property be rezoned to Low-Density Residential Zone, R-1, in the City of Modesto to allow expansion of Bret Harte Elementary School ("Project"), and

WHEREAS, the City has received a written request from Modesto City Schools to initiate annexation of the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may

cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2003-89 ("Initial Study") reviewed the proposed amendment to the Zoning Map to R-1 and annexation to determine whether the Project is within the scope of the project covered by the Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines, beginning on January 30, 2004, the City caused to be published a 20-day notice of the City's intent to make a finding that the proposed Project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 24, 2004, at 5:30 p.m., and continued to April 6, 2004, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map to prezone the Project area to R-1 and annex the subject Property to the City of Modesto and Modesto Sewer District No. 1 and detach it from the Industrial Fire Protection District, a copy of which is attached hereto as **Exhibit "A"**, and

incorporated herein by reference. Based on the substantial evidence included in said Initial Study, Council hereby makes the following findings:

1. That the proposed Project is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.
2. That the Project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2003-89

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. C&ED No. 2003-89**

**For the proposed:**

**Bret Harte Elementary School Expansion and Modernization  
Project (Modesto City Schools, Applicant)**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**December 10, 2003**

# City of Modesto

## Master EIR Initial Study Checklist

### I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the **Bret Harte Elementary School Expansion and Modernization Project** is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. No new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City's MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

### II. PROJECT DESCRIPTION

- A. Title: Bret Harte Elementary School Expansion and Modernization Project
- B. Address or Location: 909 Bret Harte Place (North side of Glenn Avenue, west of Guthrie Street) Modesto, California, 95351.
- C. Applicant: Modesto City Schools  
426 Locust Street  
Modesto, California, 95351-2699
- D. Application Contact Person: Becky Meredith, Director of Planning and Research

City Project Manager: Miguel A. Galvez, Associate Planner  
Department: Community & Economic Development Department  
Phone Number: (209) 577-5276  
E-mail address: [mgalvez@modestogov.com](mailto:mgalvez@modestogov.com)

- E. Current General Plan Designation(s): R: Residential
- F. Current Zoning Classification(s): Not Applicable, (presently unincorporated).
- G. Surrounding Land Uses: North: Existing Bret Harte Elementary School  
South, East & West: Developed single-family residences  
in the unincorporated area of Stanislaus County.
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Modesto City Schools proposes to expand and modernize Bret Harte Elementary School located at 909 Bret Harte Place, Modesto, California, refer to **Exhibit A**. This School presently serves over 1,000 students in grades, Kindergarten through Sixth grade, on a seven-acre school site. The school presently qualifies as a "Critically Overcrowded School.

The Bret Harte Elementary School expansion and modernization project involves adding to and reconfiguring the onsite parking and circulation area, adding and renovating structures on the school campus, refer to **Exhibit B**. To facilitate this expansion, the School District proposes to annex five adjoining school acquired properties, along with adjacent street and alley rights-of-way located south of the school site to the City of Modesto, refer to **Exhibit C**. The School District also proposes to prezone this subject area to P-R-1 (Low Density Residential), refer to **Exhibit D**. Two additional applications are also proposed and will be considered subsequently by the City of Modesto. One application proposes to abandon Bret Harte Place street right-of-way, a portion of Frazier Street right-of-way, and adjacent alley right-of way, refer to **Exhibit E**. The other subsequent application is a Tentative Parcel Map proposing to merge the School acquired lots along with the proposed abandoned rights-of-way, refer to **Exhibit F**. Exhibits A through F are attached at the end of this document.

- I. Other Public Agencies Whose Approval is Required:

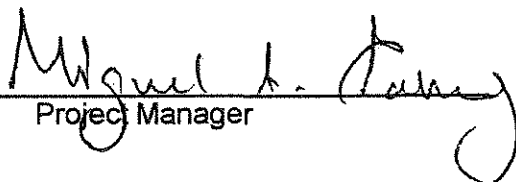
State of California Division of State Architect  
Local Agency Formation Commission  
San Joaquin Valley Air Pollution Control District

### **III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)**

- 1. X **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

A. The type of project is described in Chapter II of the Master EIR.

- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
  - D. Based on the Initial Study, the City of Modesto finds and determines:
    - a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
    - b) No new or additional mitigation measures or alternatives are required.
  - E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.
2.      **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:
- A. The type of project is described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.
3.      **Focused EIR Required**- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:
- A. The type of project is described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

  
 \_\_\_\_\_  
 Project Manager

ASSOCIATE  
 PLANNER  
 \_\_\_\_\_  
 Title

12/10/2003  
 \_\_\_\_\_  
 Date

**4. Within the Scope Analysis of this Document:**

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

Discussion:

- (1) The City of Modesto is the lead agency for processing the requested land use entitlements (i.e.: rezoning, annexation, parcel map and abandonment applications). Modesto City Schools is the Lead Agency for the expansion and modernization of the Bret Harte Elementary school site.
- (2) The subject project proposes improvements to an existing developed site located within the Baseline Developed Area. The subject area includes five parcels, which each contained a single-family home. All appropriate City General Plan development policies will be continue to be in effect and appropriate mitigation measures will be applied.
- (3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have resulted in less restrictive regulations.
- (4) The subject site involves five residential lots. After the application proposals were referred to Trustee Agencies, no significant resources are identified in this proposal
- (5) The subject area is located within the Modesto Urban Area General Plan in the Baseline Developed Area, refer to **Exhibit G**, all appropriate mitigation measures as listed in the Master EIR are incorporated into the project.

- (6) A Global list of General Plan Policies and Mitigation Measures was reviewed (which is attached to the initial study) and appropriate Mitigation Measures will be required as part of the project's approval.

### 5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

- |  | YES | NO                       |
|--|-----|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.   | X   | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings (3, 4, 5, below). | X   | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.   | X   | <input type="checkbox"/> |
| (4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.  | X   | <input type="checkbox"/> |
| (5) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.  | X   | <input type="checkbox"/> |

Discussion:

No discussion is necessary.

### IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 build out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

## **1. TRAFFIC AND CIRCULATION**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### **c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. | <input type="checkbox"/> | X  |

Where a project exceeds an additional 100 ADT contribution, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO |
|--|--------------------------|----|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | X  |
| (3) Result in inadequate emergency access.   | <input type="checkbox"/> | X  |
| (4) Result in inadequate parking capacity.   | <input type="checkbox"/> | X  |

Discussion:

- (1) The project was referred to the Engineering and Transportation Department and the Transportation Division staff did not cite the need for a site access study.
- (2) The project was referred to the Engineering and Transportation Department and the Transportation Division commented that City's Standards Specifications require that the Glenn Avenue be dedicated and improved to full City Street Standards.

The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.

All proposed fence and wall heights shall adhere to the City's Clear Vision Triangle requirements.

- (3) The project was referred to the City of Modesto Police and Fire Department as well as to the City of Modesto Engineering and Transportation Department. The City Fire Marshal cited the following California Fire Code requirements:

- a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
  - b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
  - c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with an approved turnaround.
- (4) The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.

## 2. AIR QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

Mitigation measure Air-1 from the MEIR is required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards. In addition, the San Joaquin Valley Air Pollution Control District commented: "Because the project site contains a building needing renovation/demolition, the applicant will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is the asbestos. To ascertain whether this project is subject to the NESHAPS, the project applicant is advised to review the Asbestos – Compliance Assistance Bulletin, dated December 1994.

### c. Project-Specific Effects

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) The project would expose sensitive receptors to substantial pollutant concentrations.  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (5) The project would create objectionable odors affecting a substantial number of people.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

#### Discussion:

- (1) The project was referred to the San Joaquin Valley Air Pollution Control District and it commented that the project appears to have a less-than significant impact on the ambient air quality. It commented that the Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).
- (2-3) See discussion under 1 above.
- (4) The project consists of expanding an existing elementary school and renovating some of the existing structures. The entitlement applications of rezoning, annexation, right-of-way abandonment, and a parcel map do not change or affect the quality of air in the area.
- (5) The project does not involve manufacturing or food processing – it is a minor expansion and improvement of an existing school site.

### 3. NOISE

#### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project, and any new measures are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.   | <input type="checkbox"/> | X  |
| (2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?             | <input type="checkbox"/> | X  |
| (4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project involves an existing school site that operates between 7:00 am and 5:00 pm, within Modesto Noise Ordinance time limits. The project does not change the hours of operation.
- (2) School operations generate mild levels of noise during normal business hours from children playing on the field s or in the playground. The existing school will not generate

higher levels of noise that are presently generated at the school site during regular hours of operation.

- (3) See discussion above.
- (4) To reduce temporary impacts on noise during construction, construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

#### 4. AGRICULTURAL LANDS

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

##### b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

##### c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  X
- (2) The project will directly result in the development of land outside the March 2003 planning area boundaries.  X
- (3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.  X
- (4) The project will Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.  X

Discussion:

- (1) The Modesto Urban Area General Plan designates the site as R, Residential. Schools are permitted in this land use designation, thus the project is consistent with the General Plan.
- (2) The project involves an existing school in an already that is already developed. Agricultural uses have not been in practice in this area for over 30 years.
- (3) The existing school site is located in the R-1 zoning district. The expansion component is proposed to be annexed and rezoned as R-1. As the area has been developed for some time, there are no Williamson Act contracts in the neighborhood.
- (4) See discussion above.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively

considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City's Capital Planning staff and adequate water supply and delivery system is present to serve the project.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate | <input type="checkbox"/> | X  |

capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City's Capital Planning staff and adequate wastewater treatment and delivery system is present to serve the project.

## **7. SENSITIVE WILDLIFE AND PLANT HABITAT**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### **c. Project-Specific Effects**

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species. | <input type="checkbox"/> | X  |
| (3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.  | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. As the subject property is located in an already developed area and not in a potential biological resource study area, as a result, the proposal was not referred to the U.S. Department of Fish and Game.
- (3) See discussion above. In addition, there are no mature trees in the subject area.

## 8. ARCHAEOLOGICAL OR HISTORICAL SITES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure,

which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involved the acquisition and demolition of five residentially developed parcels located in the County. None of these properties were designated as historical resources or as a Landmark Preservation Site in the Modesto Urban Area General Plan.

**9. STORM DRAINAGE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

#### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

#### **c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would substantially increase the rate or amount of surface | <input type="checkbox"/> | X  |

runoff in a manner that would result in flooding on- or offsite.

- (3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.  X

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
- (3) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

## 10. FLOODING AND WATER QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.   | <input type="checkbox"/> | X  |
| (3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.   | <input type="checkbox"/> | X  |
| (4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

- (2) The construction component of this project is subject to the review and approval of the State Architects Office. The reviewing agency will require adherence to any Clean Water Act requirements, as it deems appropriate.
- (3) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
- (4) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

## **11. PARKS AND OPEN SPACE**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### **c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

## 12. SCHOOLS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project will result in accommodating the students in this already critically overcrowded school.

**13. POLICE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves minor expansion of an existing school that is already served with adequate police services. The proposal was referred to the Modesto Police Department which did not comment on the need for additional facilities.

**14. FIRE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	X

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves minor expansion of an existing school that is already served with adequate fire protection services. The project will be required to meet all City Fire safety requirements.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) This project was referred to the Solid Waste Division of the City's Engineering and Transportation Department and they had no comments regarding this project's impact on the solid waste impacts.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. | <input type="checkbox"/> | X  |
| (3) The project contains a contaminated site not identified as of March 2003.  | <input type="checkbox"/> | X  |
| (4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.                             | <input type="checkbox"/> | X  |
| (5) The project would be located on a site which is included on a list of  | <input type="checkbox"/> | X  |

hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2-5) The City's Final Master Environmental Impact Report lists hazardous materials sites and this project is not near any those sites.

## 17. LANDSLIDES AND SEISMIC ACTIVITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves property that was previously built-upon with single-family residences and road improvements. According to the MEIR's physical description of the General Plan's study area, the site is not located in area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

**18. ENERGY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards

**c. Project-Specific Effects**

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |     |   |                          |    |
|-----|---|--------------------------|----|
|     |   | YES                      | NO |
| (1) | The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.

**19. PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |     |  |                          |    |
|-----|--|--------------------------|----|
|     |  | YES                      | NO |
| (1) | The project is inconsistent with the Modesto Urban Area General Plan.                | <input type="checkbox"/> | X  |
| (2) | The project includes a substantive amendment to the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |
| (3) | The project would physically divide an established community                         | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves annexation to the City Limits and does not include an amendment to the Modesto Urban General Plan.
- (3) The project will serve to strengthen the bonds of the neighborhood as the elementary school unites the children and parents in the neighborhood.

## 20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

### a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would have a substantial adverse effect on a scenic vista.   | <input type="checkbox"/> | X  |
| (3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.             | <input type="checkbox"/> | X  |
| (4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2-4) The project is located within an established residential neighborhood and there are no scenic vistas in the immediate area. The expansion of the existing school is consistent with the type of development in the area.

The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planting to cover the CMU block wall.

## V. MITIGATION MEASURES APPLIED TO THE PROJECT

### A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

#### Traffic and Circulation Measures:

N/A

#### Air Quality Measures:

##### Mitigation Measure Air-1: PM10 Control Measures

1. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10.  
The following controls are required to be implemented at all construction sites:
  - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
  - e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
  - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*

- g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- h. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- i. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

**Noise Measures:**

N/A

**Agricultural Land Measures:**

N/A.

**Water Supply Measures:**

N/A

**Sanitary Sewer Service Measures:**

N/A

**Sensitive Wildlife and Plant Habitat Measures:**

N/A

**Archaeological or Historic Sites Measures:**

N/A

**Storm Drainage Measures:**

N/A

**Flooding and Water Quality Measures:**

N/A

**Parks and Open Space Measures:**

N/A

**Schools Measures:**

N/A

**Police Services:**

N/A.

**Fire Services:**

N/A

**Generation of Solid Waste**

N/A

**Generation of Hazardous Materials**

N/A

**Potential for Landslides and Seismic Activity**

N/A

**Energy**

N/A

**Planning and Land Use**

N/A

**Aesthetics**

N/A

**B. Recommended Conditions of Project Approval**


1. Glenn Avenue be dedicated and improved to full City Standards.
2. The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.
3. All fences and walls heights shall adhere to the City's Clear Vision Triangle requirements.
4. The City Fire Marshal cited the following California Fire Code requirements:
  - a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
  - b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
  - c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnaround.
5. The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.
6. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:


- a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
  - b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d) With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
  - e) When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
  - f) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
  - g) Following the addition of materials to, or the removal
  - h) Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
  - i) Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  - j) Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
  - k) The Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).
7. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
  8. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
  9. Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
  10. Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be


increased to 200 feet.


11. Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnaround
12. The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.
13. The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planning to cover the CMU block wall.

# City of Modesto

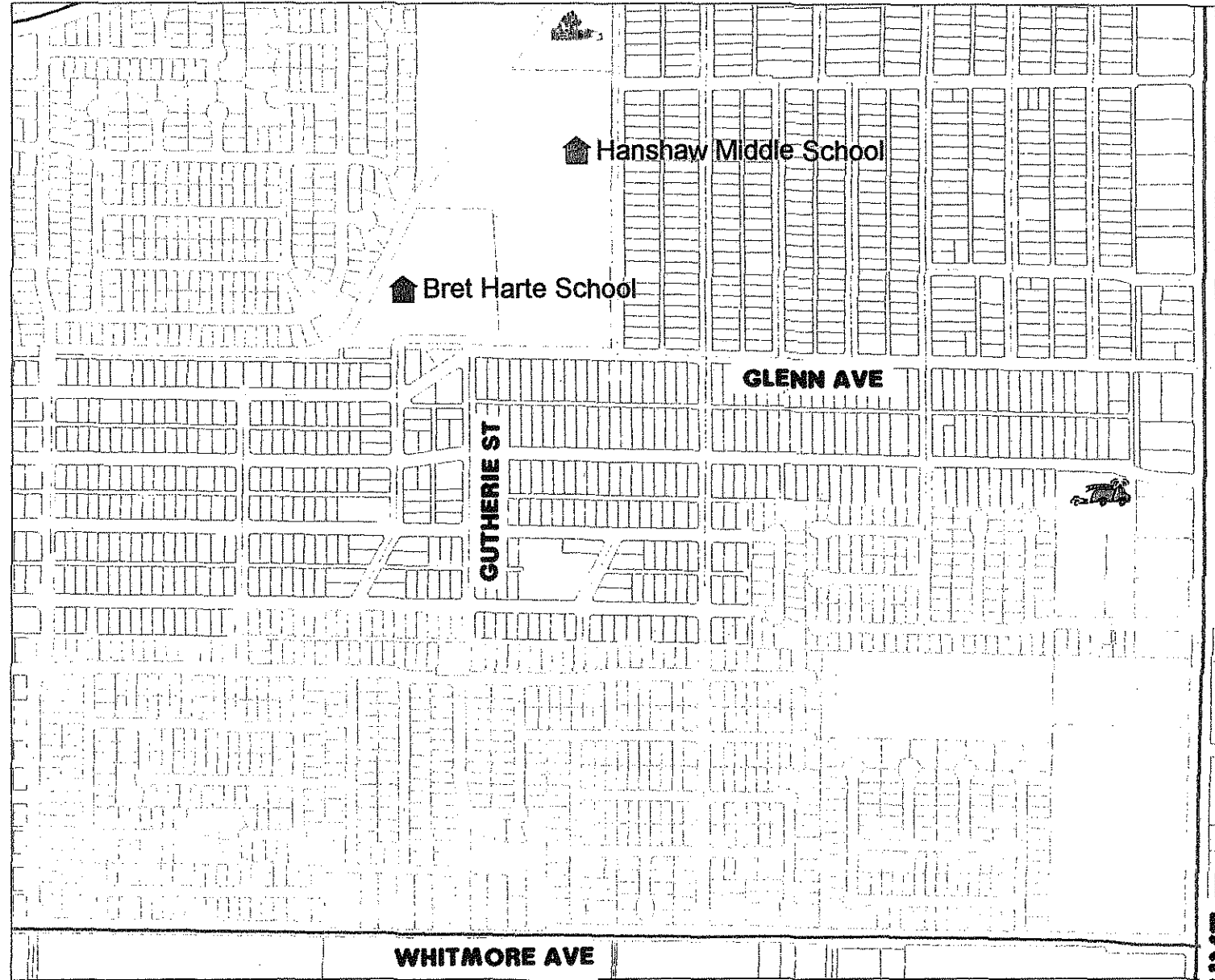
 **Schools**  
■ ELEMENTARY  
■ MIDDLE  
■ JUNIOR  
■ HIGH  
■ JUNIOR COLLEGE  
■ ADMIN

 **Park Locations**

 **Final Subdivision Maps**

 **Parcels**

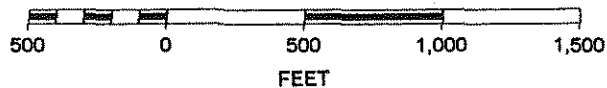
**Cities**  
CERES  
COUNTY  
HUGHSON  
MODESTO  
NEWMAN  
OAKDALE  
PATTERSON  
RIVERBANK  
TURLOCK  
WATERFORD



CROWS LANDING RD

EXHIBIT A

SCALE 1 : 8,464



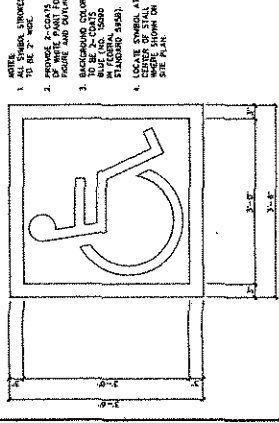
BRET HARTE ELEMENTARY SCHOOL EXPANSION  
 808 BRET HARTE PLACE  
 ROBERTO, CALIFORNIA 92591  
 ROBERTO CITY SCHOOLS

**GROTHE & SMITH**  
 ARCHITECTS

1015 14TH STREET  
 ROBERTO, CA 92591  
 951-574-0798 FAX

Date	8/2/02
Design	DS
Drawn	SM
Scale	1/4" = 1'-0"
File	02/12

**A1.0**



**ACCESSIBLE PARKING STALL LOGO**

1. NOTE: ALL DIMENSIONS TO BE AS SHOWN.

2. PROVIDE 2 COATS OF WHITE PAINT FOR THE LOGO ON THE ASPHALT.

3. BACKGROUND COLOR TO BE 2 COATS OF RED BROWN PAINT (FLOORING 2490).

4. LOCATE SYMBOL AT CENTER OF STALL ON SITE PLAN.

**LEGEND/NOTES**

1. EXISTING BUILDING FOOTPRINT AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

2. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

3. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

4. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

5. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

6. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

7. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

8. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

9. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

10. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

**KEYNOTE**

1. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

2. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

3. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

4. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

5. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

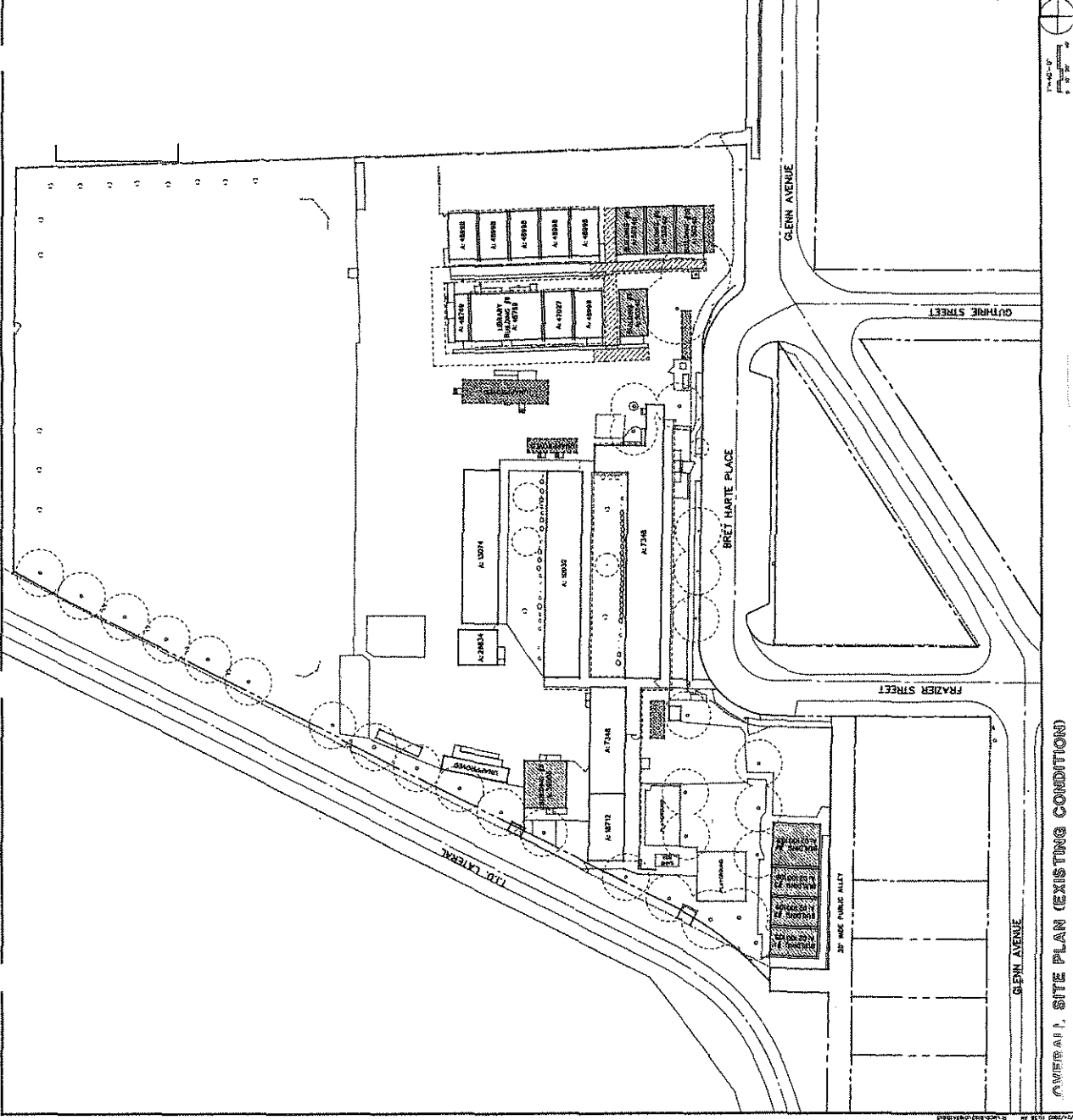
6. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

7. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

8. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

9. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.

10. ALL DIMENSIONS ARE TO BE AS SHOWN ON THE 2001 AERIAL PHOTOGRAPH.



GENERAL P. SITE PLAN (EXISTING CONDITION)

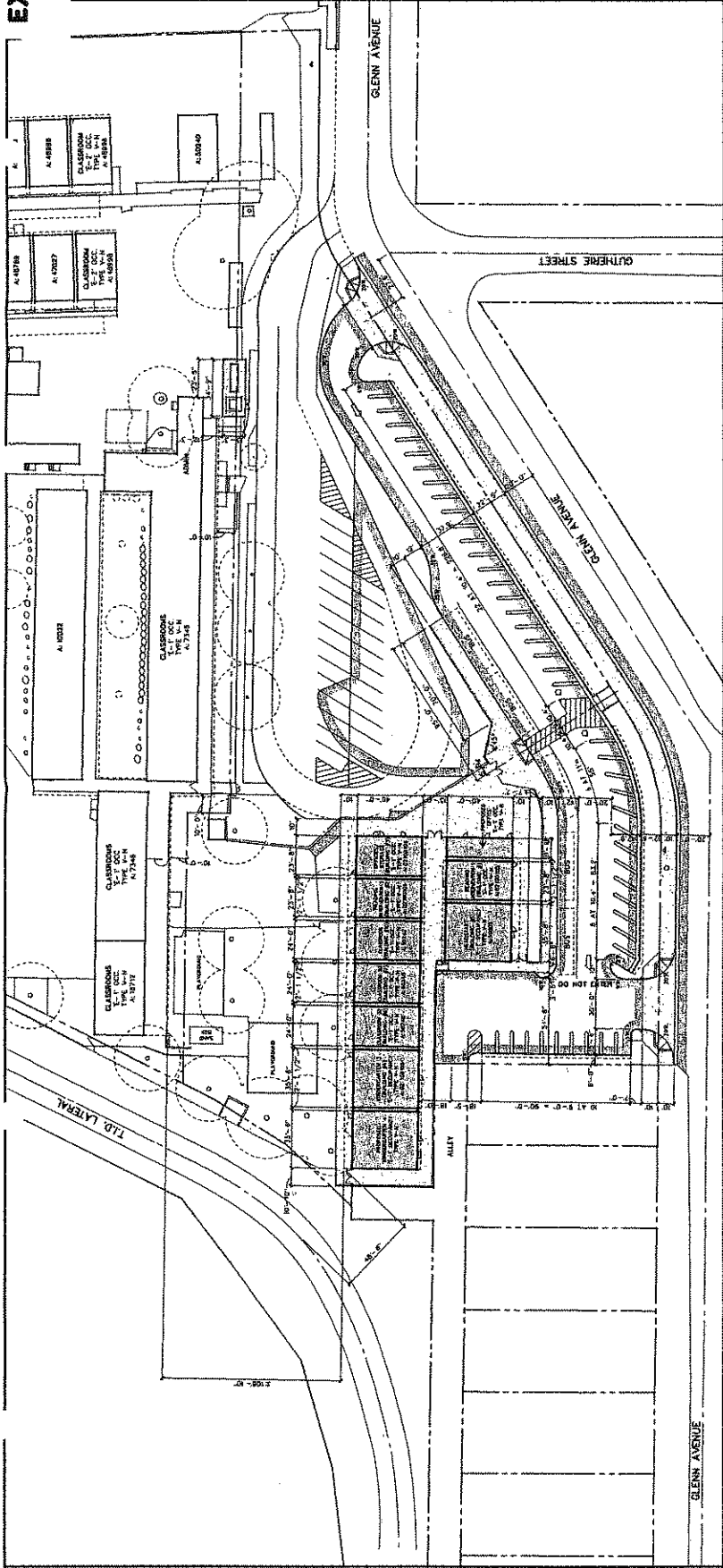
BRET HARTE ELEMENTARY SCHOOL EXPANSION  
 809 BRET HARTE PLACE  
 MODESTO, CALIFORNIA 95201  
 FOR  
 MODESTO CITY SCHOOLS



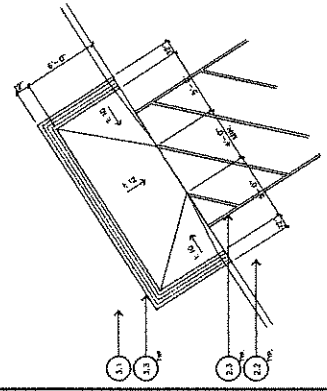
3025 16TH STREET  
 MODESTO, CALIFORNIA 95204  
 209/732-6534  
 209/732-6787 FAX

Date:	2/2/02
Design:	02
Drawn:	SH
Job:	01-02
File:	02030101

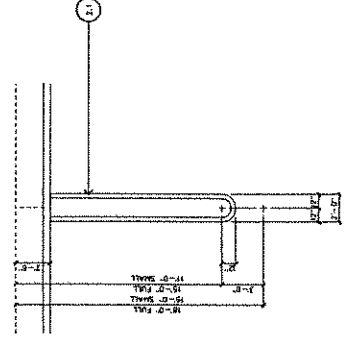
A11



ENLARGED SITE PLAN (PHASE 1)



ACCESSIBLE CURB RAMP



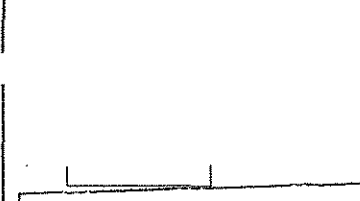
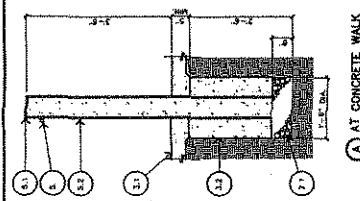
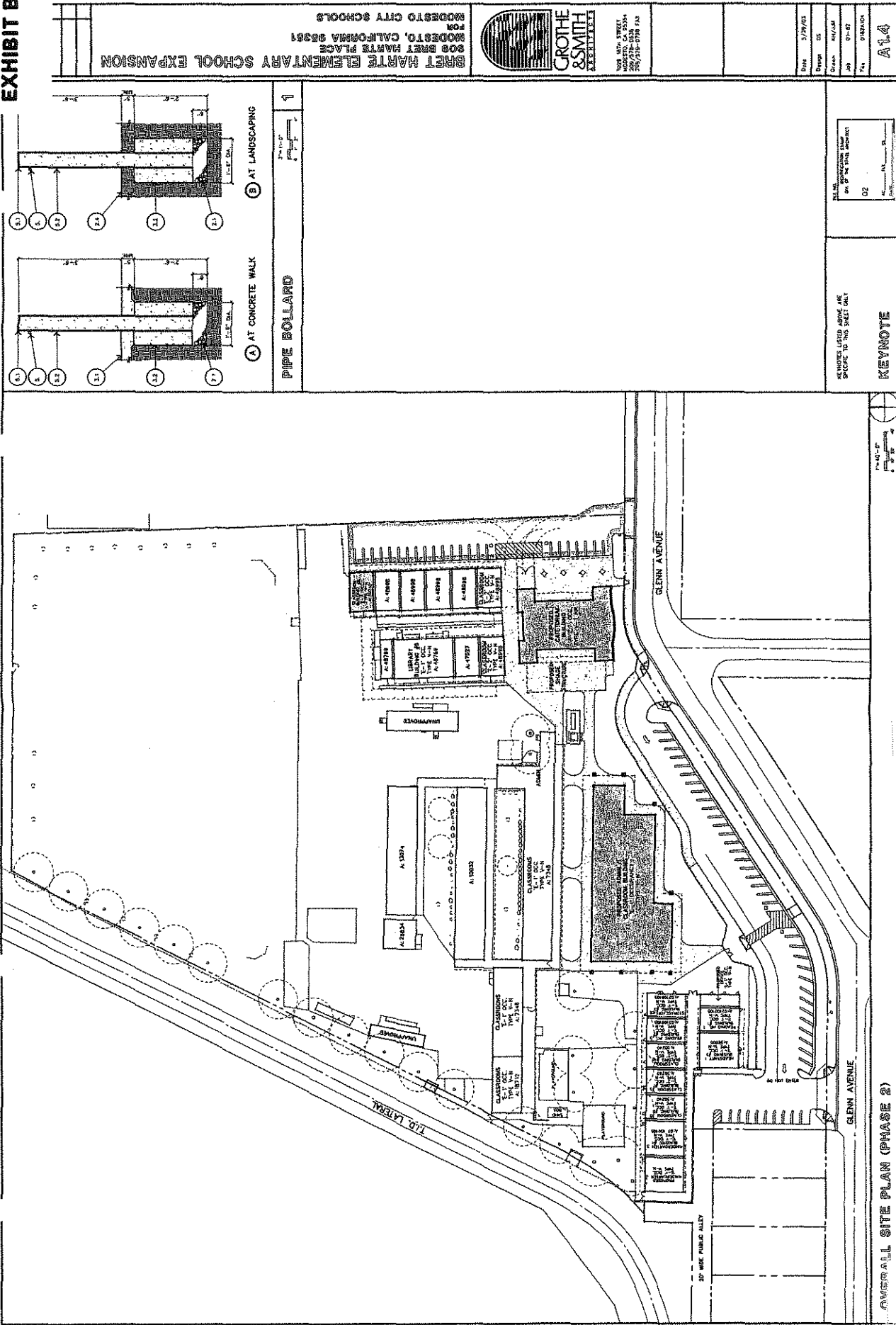
STALL STRIP

KEYNOTES

NUMBERS LISTED ARE  
REFERENCE TO THIS SHEET ONLY

PL. NO.	02
DATE	02/02/02
FILE	02030101

**EXHIBIT B-**



BREIT HARTE ELEMENTARY SCHOOL EXPANSION  
 808 BREIT HARTE PLACE  
 REDDING, CALIFORNIA 96061  
 REDDING CITY SCHOOLS



1005 10th STREET  
 REDDING, CA 96001  
 530/238-0788 FAX  
 530/238-0788

Date	5/29/02
Design	02
Drawn	RAJ/AD
Job	02-02
Proj	02-02
Sheet	02

A14

SCALE: INDICATION LINE ON UP IN THIS DOCUMENT  
02

SCHEMATIC LINES ABOVE ARE SUBJECT TO THIS SHEET ONLY  
**KEYNOTE**

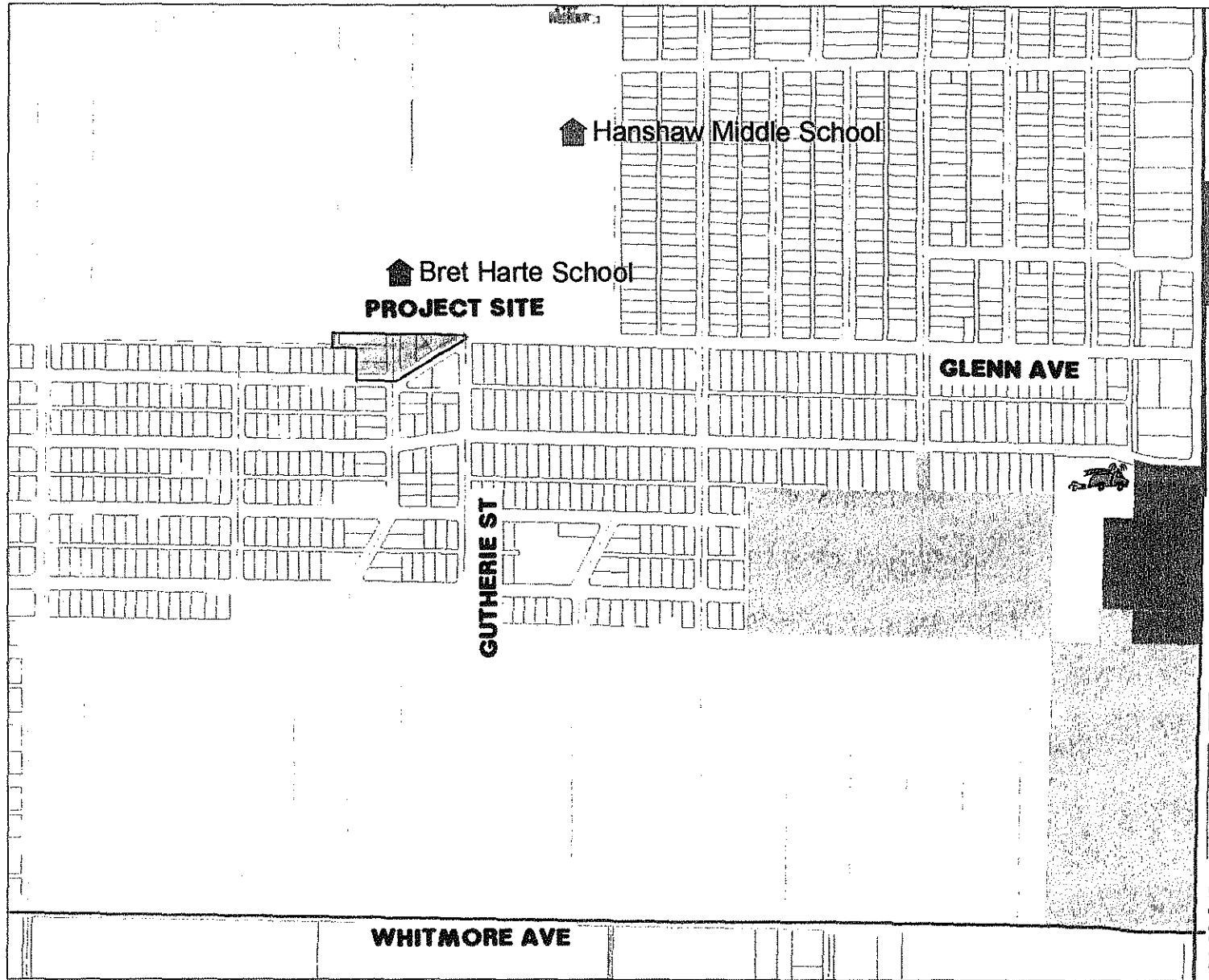


OVERALL SITE PLAN (PHASE 2)



# City of Modesto

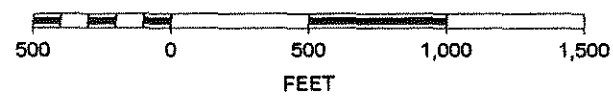
- Schools
  - ELEMENTARY
  - MIDDLE
  - JUNIOR
  - HIGH
  - JUNIOR COLLEGE
  - ADMIN
- Park Locations
- Zoning**
  - B-P
  - C-1
  - C-2
  - C-3
  - C-M
  - M-1
  - M-2
  - P-C-3
  - P-D
  - P-P-D
  - P-M-1
  - P-O
  - P-R-1
  - P-R-2
  - P-R-3
  - P-SP
  - P-SP-O
  - R-1
  - R-2
  - R-3
  - SP-H
  - SP-O
- Final Subdivision Maps
- Parcels
- Cities**
  - CERES



CROWS LANDING RD

EXHIBIT C-1

SCALE 1 : 8,434



SW 1/4 SECTION 8 T.4 S. R.9 E. M. D. B. & M.  
 IN RUTHERFORD TRACT - BLKS. 9812, 9813, 9827 & 9828

002 089  
 080 004

30 - 44

THIS MAP FOR  
 ASSESSMENT PURPOSES ONLY

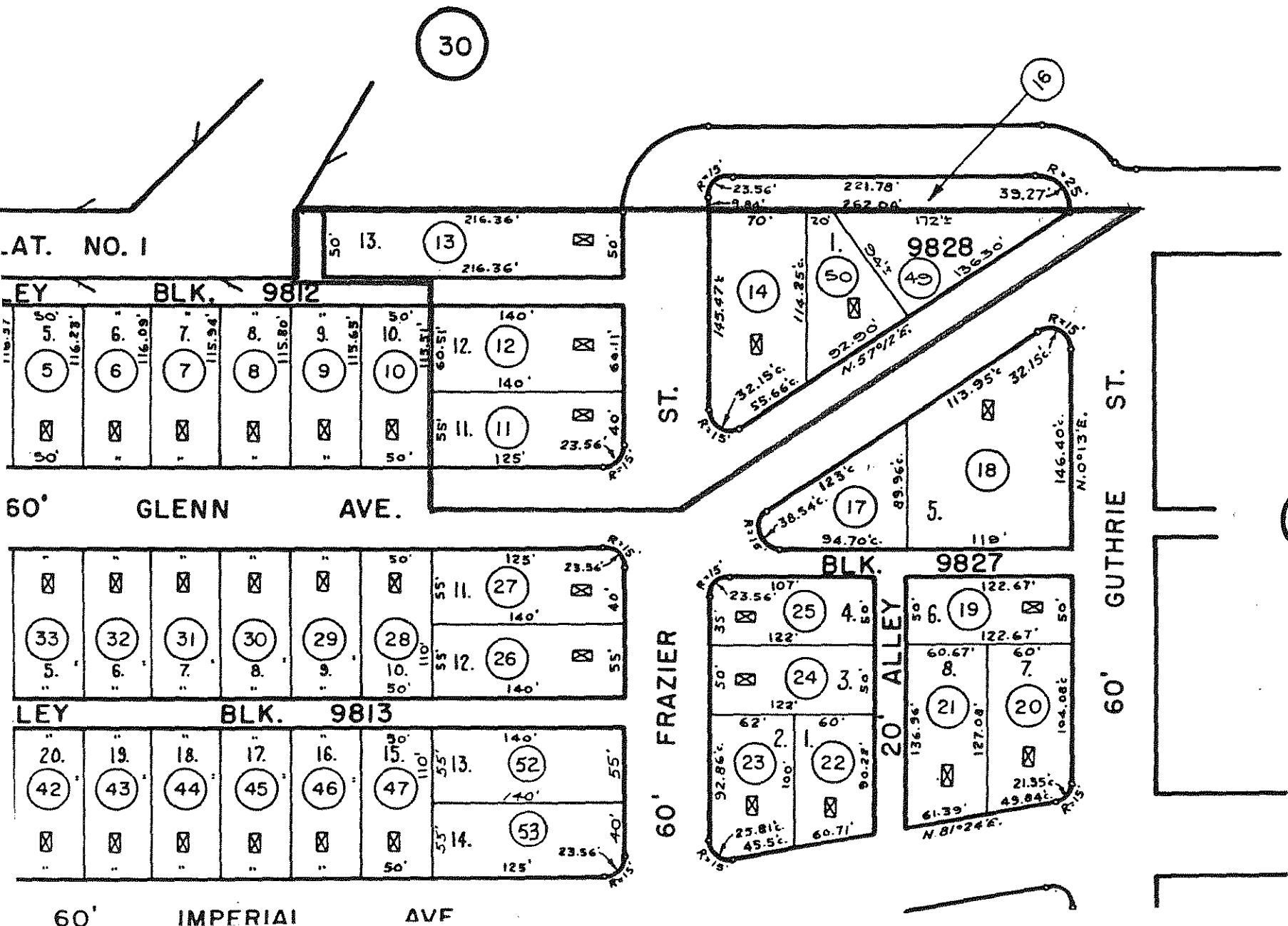
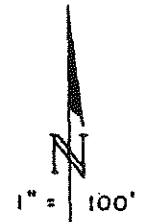
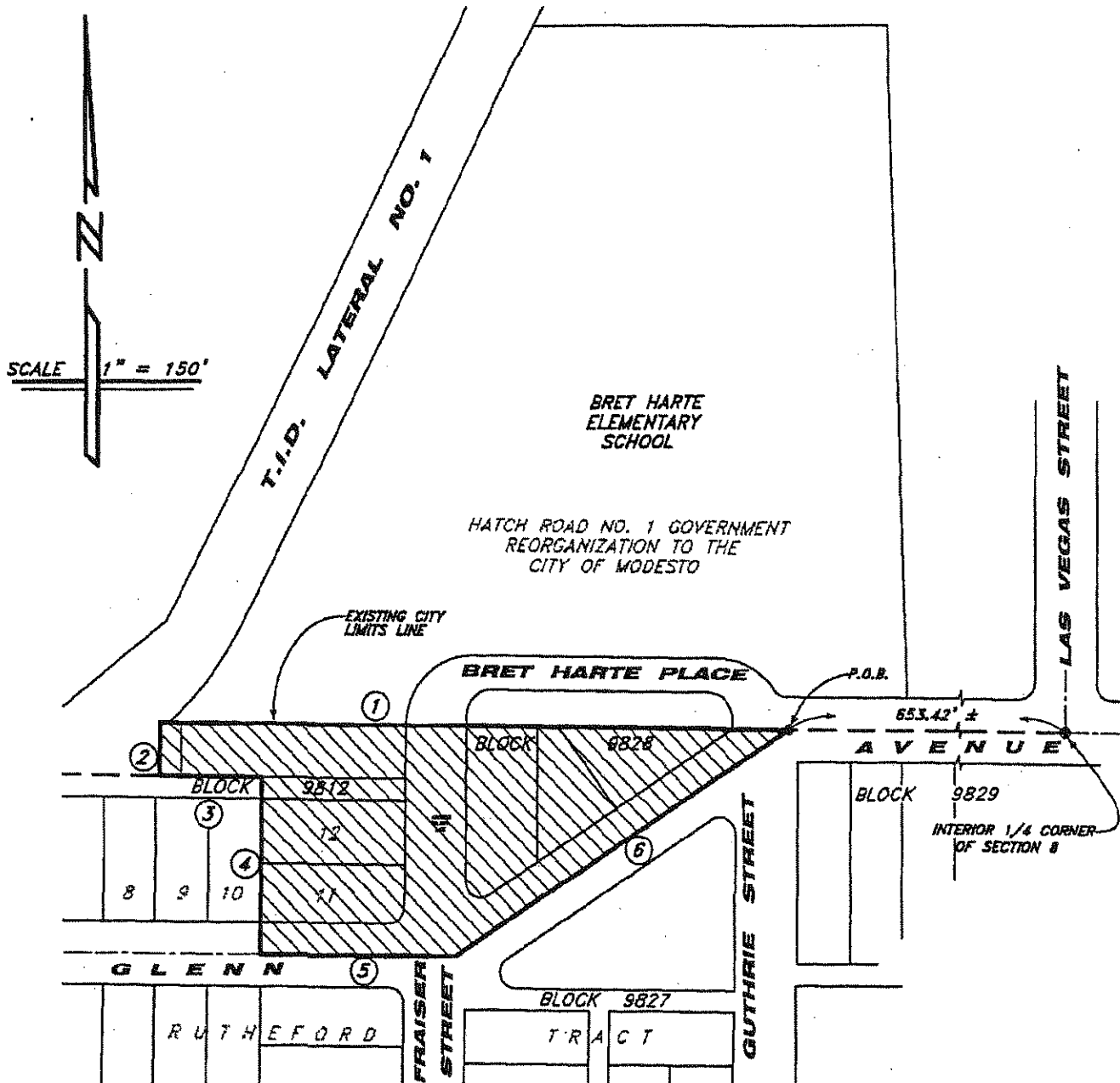


EXHIBIT C-2

**PREZONE TO R-1  
GLENN AVENUE NO. 1 REORGANIZATION  
TO THE CITY OF MODESTO**

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER  
OF SECTION 8, T.4 S., R.9 E., M.D.B.& M.  
STANISLAUS COUNTY, CALIFORNIA



PREPARED BY:

**DELAMARE-FULTZ**  
ENGINEERING AND SURVEYING  
3421 TULLY ROAD SUITE J MODESTO CA 95350  
TELEPHONE (209) 529-7450

- ① N. 89°10'00" W. 612.56'
- ② S. 0°26'00" W. 50.00'
- ③ S. 89°10'00" E. 96.62'
- ④ S. 0°13'00" W. 165.51'
- ⑤ S. 89°20'00" E. 190.77'
- ⑥ N. 57°12'00" E. 388.08'

**PREZONE TO R-1  
GLENN AVENUE NO. 1 REORGANIZATION  
TO THE CITY OF MODESTO**

All that certain real property situate in portion of the southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

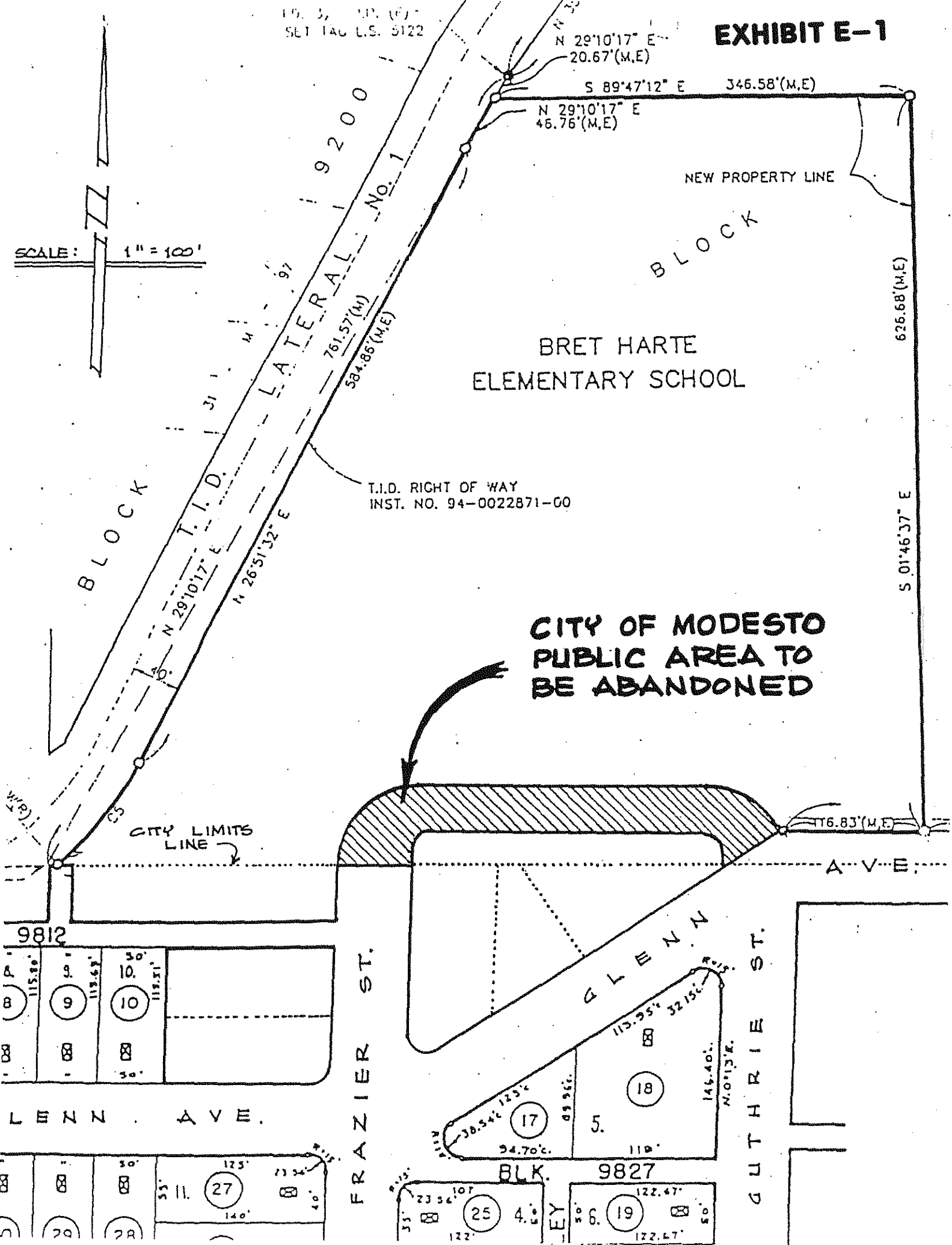
Beginning at the intersection of the east-west quarter section line of said Section 8 with the centerline of 60 foot wide Glenn Avenue which is on the south line of Hatch Road No. 1 Government Reorganization; thence along said east-west quarter section line, being also said south line of Hatch Road No. 1 Government Reorganization, North 89°10'00" West 612.56 feet to the southeastern right-of-way of the Turlock Irrigation District Lateral No. 1; thence along said right-of-way of Lateral No. 1, South 0°26'00" West 50.00 feet to the north line of the alley in Block 9812 of the Rutherford Tract according to the official map thereof recorded in Volume 16 of Maps, Page 37 Stanislaus County Records; thence along said north line of alley South 89°10'00" East 96.62 feet to the northerly extension of the east line of Lot 10 of said Block 9812; thence along said northerly extension of the east line of Lot 10 and the southerly extension thereof, South 0°13'00" West 165.51 feet to the centerline of said 60 foot wide Glenn Avenue (formerly 5<sup>th</sup> Avenue on said Rutherford Tract); thence along said center line South 89°20'00" East 190.77 feet to an angle point; thence along said center line North 57°12'00" East 388.08 feet to the beginning.

Containing: 80,781 SF (1.854 AC)

19. 3, 11. (F)  
SET TAG U.S. 5122

# EXHIBIT E-1

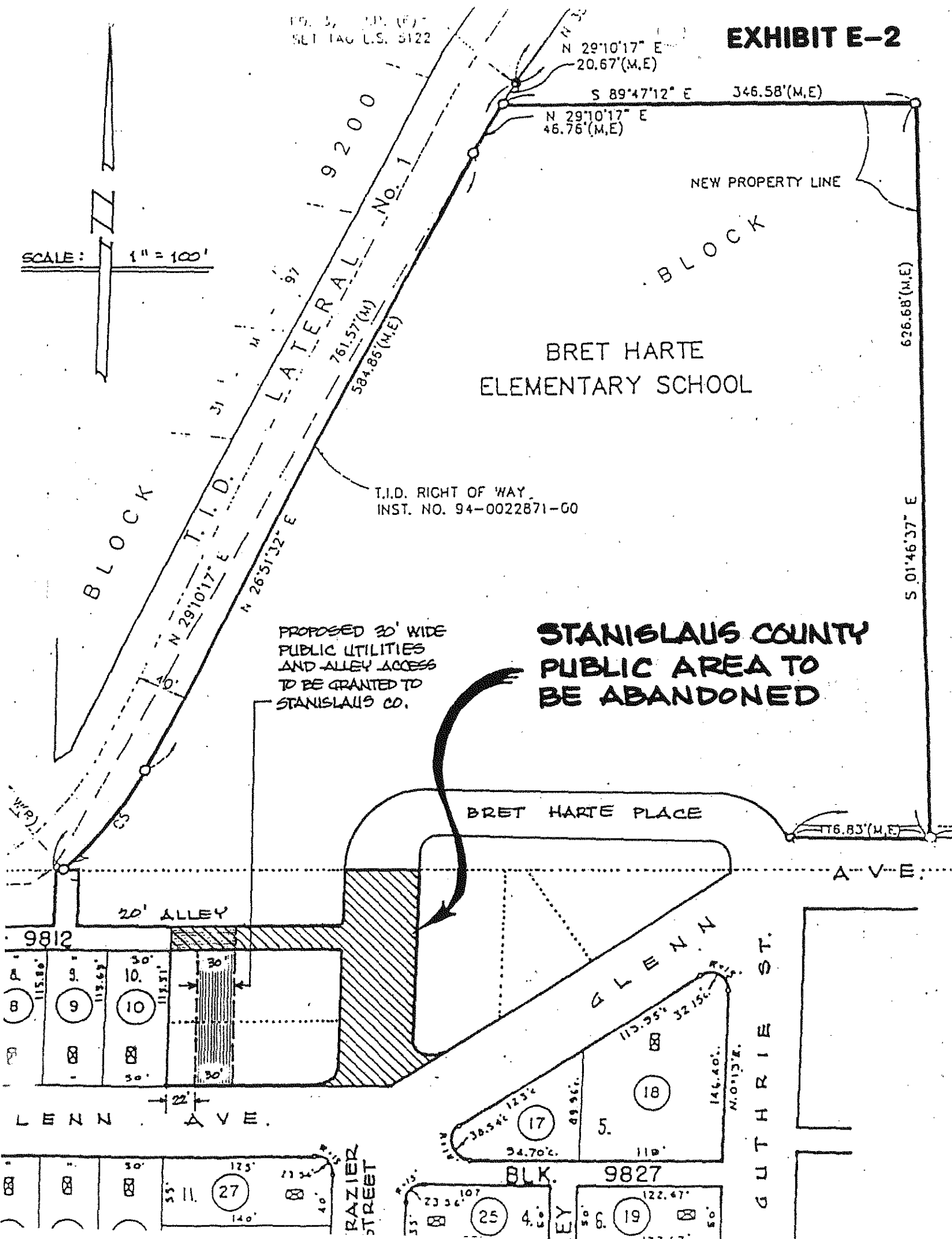
SCALE: 1" = 100'



**EXHIBIT E-2**

PL. 3, 11, (P)  
SET TAG L.S. 3122

SCALE: 1" = 100'



PROPOSED 30' WIDE  
PUBLIC UTILITIES  
AND ALLEY ACCESS  
TO BE GRANTED TO  
STANISLAUS CO.

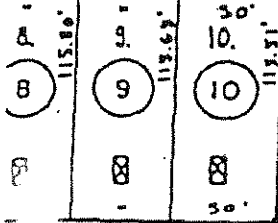
**STANISLAUS COUNTY  
PUBLIC AREA TO  
BE ABANDONED**

BRET HARTE PLACE

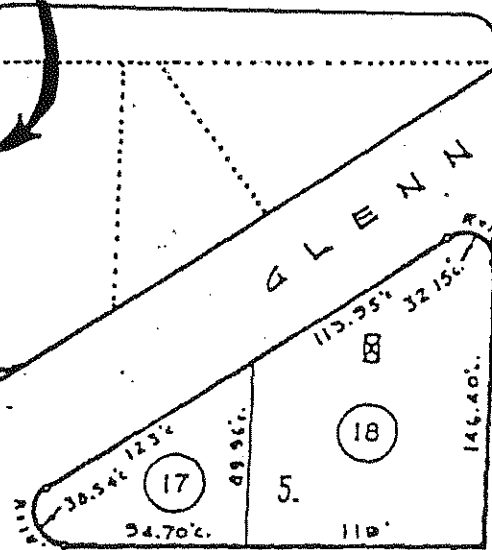
AVE.

20' ALLEY

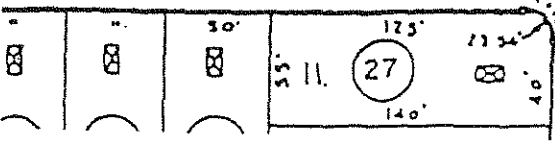
9812



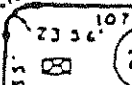
LENN AVE.



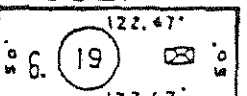
BLK. 9827



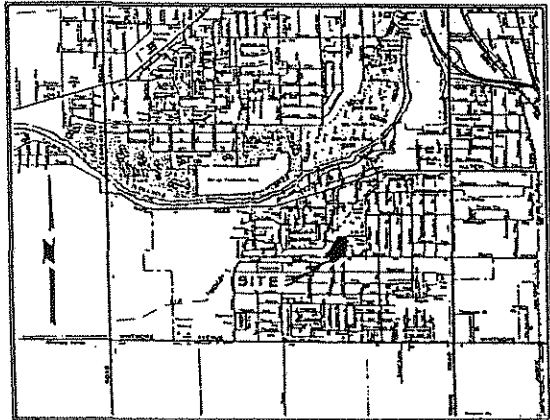
RAZER STREET



EY



GUTHRIE ST.

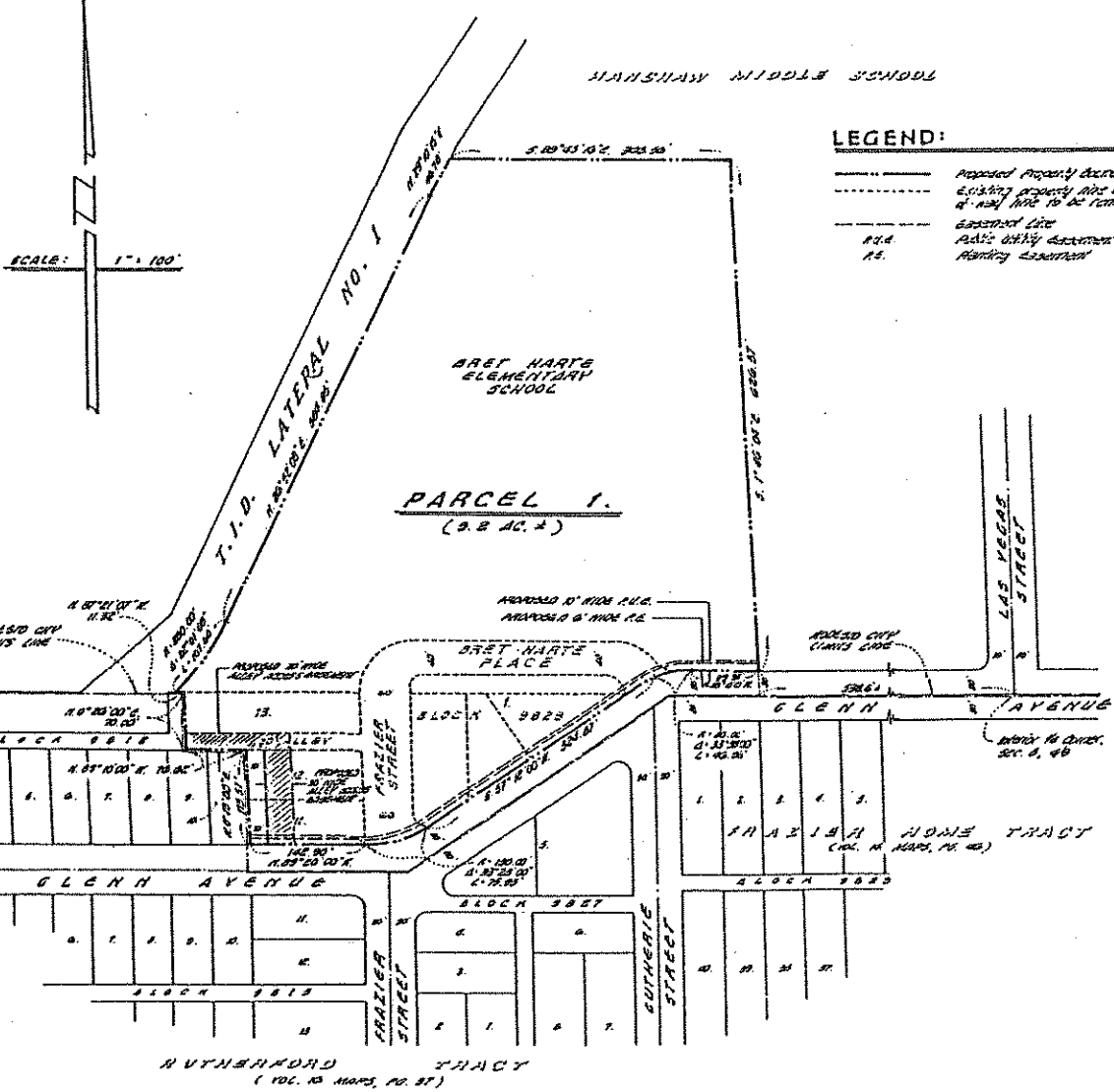


VICINITY MAP

SCALE: 1" = 1/4" M.

**LEGEND:**

- Proposed Property Boundary Line existing property line or right of way line to be retained
- Easement Line
- P.U. Public Utility easement
- R-1. Right of Way



SCALE: 1" = 100'

**NOTES:**

- A. IN CONJUNCTION WITH THE SUBMITTAL OF THIS VESTING TENTATIVE PARCEL MAP, AN APPLICATION FOR ANNEXATION TO THE CITY OF MODESTO, PRE-ZONING, AND ABANDONMENT OF PUBLIC RIGHTS-OF-WAY IS ALSO BEING SUBMITTED TO APPROPRIATE AUTHORITIES FOR PROCESSING.
  - B. THE INTENT OF THIS VESTING TENTATIVE PARCEL MAP IS TO COMBINE THE SEVEN INDIVIDUAL LOTS AND THE PUBLIC RIGHTS-OF-WAY SHOWN WITHIN THE HEAVY BORDER WITH THE CURRENT BRET HARTE ELEMENTARY SCHOOL SITE AND CREATE ONE PARCEL.
  - C. THIS VESTING TENTATIVE PARCEL MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH BY SEC. 4-4. 502 OF THE CITY OF MODESTO MUNICIPAL CODE.
1. ZONING: R-1
  2. ASSESSOR'S PARCEL NO.: 056-30-09, 056-44-11, 12, 13, 14, 16, 49 & 50
  3. SANITARY SEWAGE DISPOSAL BY THE CITY OF MODESTO.
  4. WATER SUPPLY BY THE CITY OF MODESTO.
  5. STORM DRAINAGE BY PRIVATE ON-SITE SYSTEM.
  6. GAS SERVICE BY PACIFIC GAS & ELECTRIC CO.
  7. ELECTRICAL SERVICE BY TURLOCK IRRIGATION DISTRICT.
  8. TELEPHONE SERVICE BY SBC.
  9. CABLE TELEVISION BY COMCAST.
  10. STREET IMPROVEMENTS SHALL BE DONE PER CITY OF MODESTO STANDARD SPECIFICATIONS.
  11. ADDITIONAL PUBLIC UTILITIES REQUIRED WILL BE INSTALLED UNDERGROUND OR OVERHEAD IN PUBLIC UTILITY EASEMENTS.
  12. SCHOOL BUILDINGS ARE EXISTING ON THIS SITE.
  13. PUBLIC IMPROVEMENT PLANS TO BE PREPARED AND SIGNED BY A STATE OF CALIFORNIA REGISTERED CIVIL ENGINEER.
  14. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH CITY OF MODESTO STANDARDS.














**DELAMARE-FULTZ**  
 ENGINEERING AND SURVEYING  
 3421 TULLY ROAD • SUITE J • MODESTO, CA. 95350  
 TELEPHONE (209) 829-7450  
 C.E. BY 3407 James H. D. Smith 9-26-03  
 (C9C-150) DATE

VESTING TENTATIVE PARCEL MAP	
LOCATED IN A PORTION OF THE W. 1/2 OF SECTION 8, T4S., R9E., M.D.B. 6th, AND THE CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA.	
DATE	01/24
BY	TDF
CHECKED BY	TDF
SCALE	AS SHOWN
DATE	OCT 2003
BY	1
DATE	1-20-04
NO.	C9C-150

# City of Modesto

## General Plan Areas

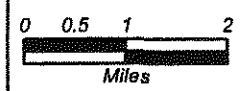
### Legend

-  Redevelopment Area
-  Planned Urbanizing Area
-  Baseline Developed Area
-  General Plan Boundary
-  Sphere of Influence
-  Modesto
-  Ceres
-  County
-  Hughson
-  Oakdale
-  Riverbank

Source: 1995 Modesto Urban Area General Plan



October 9, 2003



**EXHIBIT G**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-204**

**RESOLUTION APPROVING THE FILING OF AN APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 1.854 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF GLENN AVENUE WEST OF GUTHERIE STREET TO THE CITY OF MODESTO, THE MODESTO SEWER DISTRICT NO.1 AND TO DETACH SAID PROPERTY FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT (OWNER INITIATED – UNINHABITED)**

WHEREAS, Modesto City Schools ("MCS") is the owner of approximately 1.854 acres of real property, located on the north side of Glenn Avenue west of Guthrie Street ("Property"), and proposes that the Property be included as part of the Bret Harte Elementary School Expansion Project ("Project"), and

WHEREAS, the City has received a written request from Modesto City Schools to initiate annexation of the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Resolution of Application is proposed pursuant to California Government Code Sections 56654 and 56700, and

WHEREAS, on or about April 6, 2004, a Notice of Intention to adopt said Resolution of Application was given to the Stanislaus County Local Agency Formation Commission ("LAFCO") and the following interested and subject agencies: Stanislaus County, Industrial Fire Protection District, Turlock Irrigation District, Modesto City Elementary School District, Modesto Union High School District, and

WHEREAS, the Property proposed to be annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits “A” and “B,” attached hereto and by this reference incorporated herein, and

WHEREAS, the subject Property proposed to be annexed is within Stanislaus County, contiguous to the existing City limits and within the current Sphere of Influence of the City of Modesto, as adopted by Stanislaus Local Agency Formation Commission, Resolution No. 97-11, on May 28, 1997, and

WHEREAS, before an annexation application may be heard by LAFCO, there must be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed Property is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto, approved by Council Resolution No. 96-170 on April 9, 1996, and amended on March 23, 2004, to include the Property within its scope, and

WHEREAS, the proposed Property is not subject to a Williamson Act Contract pursuant to Government Code Sections 51200, et seq, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

- (a) The annexation of said Property, as set forth on Exhibit “A” attached hereto, to the City of Modesto and Modesto Sewer District No. 1.
- (b) The detachment of said Property from the Industrial Fire Protection District.

WHEREAS, the reasons for this proposed reorganization to the City of Modesto are as follows:

- (a) Staff has received a written request signed by the sole property owner, Modesto City Schools, to annex the Property to the City of Modesto.
- (b) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.
- (c) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in **Exhibit "C"**, attached hereto and by this reference incorporated herein, and

WHEREAS, Planning Commission held a duly noticed public hearing to consider the proposed application for annexation on January 5, 2004, at 7:00 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and recommended adoption of a Resolution of Application to annex the Property, and

WHEREAS, the Modesto City Council held a duly noticed public hearing to consider the proposed application for annexation on April 6, 2004, at 7:00 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

1. That application be made for reorganization of the Property and that LAFCO is hereby requested to undertake proceedings on the proposed reorganization of the Property pursuant to Government Code Section 56700, subject to the following terms and conditions:

- (a) The annexation of said Property, as set forth on Exhibit "A" attached hereto, to the City of Modesto and Modesto Sewer District No. 1.
  - (b) The detachment of said Property from the Industrial Fire Protection District.
2. That future development of the Property shall be consistent with the Modesto Urban Area General Plan adopted by the Council of the City of Modesto on August 15, 1995, and subsequent amendments.
3. That all owners of land within the affected Property have given their written consent to the reorganization and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council consents to waiver of conducting authority proceedings.
4. That the Resolution of Application is consistent with the City of Modesto Urban Area General Plan, adopted by the Modesto City Council by Resolution No. 95-409 on August 15, 1995, and is within the City's Sphere of Influence.
5. That the proposed reorganization has received environmental review through an Initial Study EA/C&ED No. 2003-89, leading to a Finding of Conformance pursuant to Public Resources Code Section 21157.1 that the Project is within the scope of the Master Environmental Impact Report for the Modesto Urban Area General Plan (SCH No.1999082041).

BE IT FURTHER RESOLVED that MCS shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and

its advisory agency, appeal board, or a legislative body concerning the Resolution of Application. The City of Modesto shall promptly notify MCS of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, MCS shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)  
APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Attachments      Exhibit "A" Written Description  
                         Exhibit "B" Annexation Proposal Map  
                         Exhibit "C" Plan for Services

**Exhibit "A"**

**WRITTEN LEGAL DESCRIPTION**

**PREZONE TO R-1  
GLENN AVENUE NO. 1 REORGANIZATION  
TO THE CITY OF MODESTO**

All that certain real property situate in portion of the southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

Beginning at the intersection of the east-west quarter section line of said Section 8 with the centerline of 60 foot wide Glenn Avenue which is on the south line of Hatch Road No. 1 Government Reorganization; thence along said east-west quarter section line, being also said south line of Hatch Road No. 1 Government Reorganization, North 89°10'00" West 612.56 feet to the southeastern right-of-way of the Turlock Irrigation District Lateral No. 1; thence along said right-of-way of Lateral No. 1, South 0°26'00" West 50.00 feet to the north line of the alley in Block 9812 of the Rutherford Tract according to the official map thereof recorded in Volume 16 of Maps, Page 37 Stanislaus County Records; thence along said north line of alley South 89°10'00" East 96.62 feet to the northerly extension of the east line of Lot 10 of said Block 9812; thence along said northerly extension of the east line of Lot 10 and the southerly extension thereof, South 0°13'00" West 165.51 feet to the centerline of said 60 foot wide Glenn Avenue (formerly 5<sup>th</sup> Avenue on said Rutherford Tract); thence along said center line South 89°20'00" East 190.77 feet to an angle point; thence along said center line North 57°12'00" East 388.08 feet to the beginning.

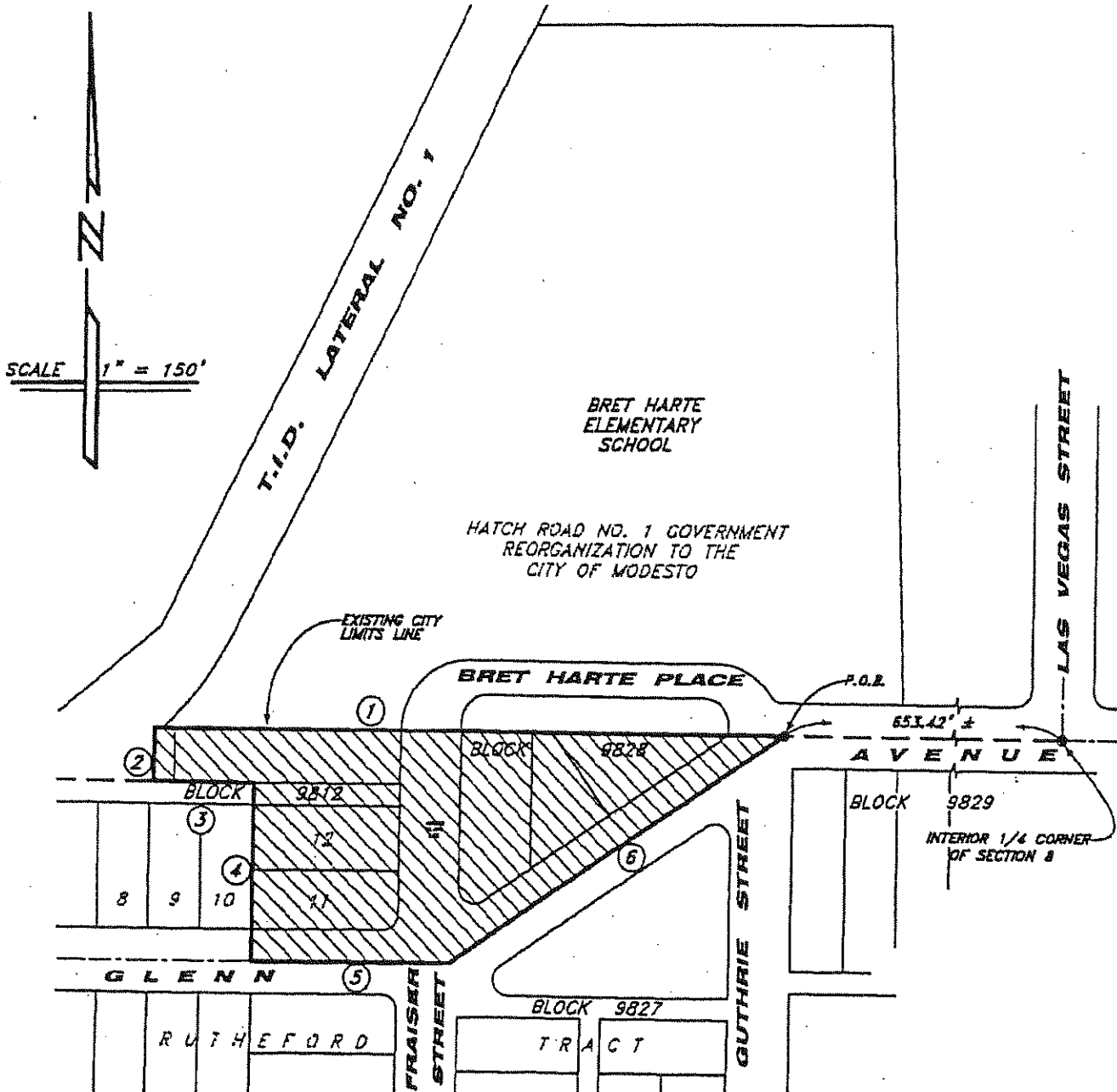
Containing: 80,781 SF (1.854 AC)

**Exhibit "B"**

**ANNEXATION PROPOSAL MAP**

**PREZONE TO R-1  
GLENN AVENUE NO. 1 REORGANIZATION  
TO THE CITY OF MODESTO**

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER  
OF SECTION 8, T.4 S., R.9 E., M.D.B. & M.  
STANISLAUS COUNTY, CALIFORNIA



PREPARED BY:



**DELAMARE-FULTZ**

ENGINEERING AND SURVEYING

3427 TULLY ROAD SUITE J MODESTO CA 95350  
TELEPHONE (209) 529-7450

- ① N. 89°10'00" W. 612.56'
- ② S. 0°26'00" W. 50.00'
- ③ S. 89°10'00" E. 96.62'
- ④ S. 0°13'00" W. 165.51'
- ⑤ S. 89°20'00" E. 190.77'
- ⑥ N. 57°12'00" E. 388.08'

**Exhibit "C"**

**PLAN FOR SERVICE**

## EXHIBIT "C"

### GLENN AVENUE No. 1 REORGANIZATION PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Glenn Avenue No. 1 Reorganization:

- A. The project site is part of the Bret Harte School Expansion and Modernization Project
- B. The City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2003-89 reviewed the proposed amendment to the Zoning Map to R-1 and annexation to determine whether the project is within the scope of the project covered by the Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR.

Said Initial Study analyzed community facilities and services. These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, energy, schools, parks, fire, police and other governmental services. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** – Upon reorganization, the subject properties will be detached from the Industrial Fire Protection District, which presently contracts with Modesto Fire Department, and fire protection services will continue to be provided by the Modesto Fire Department. Primary response will come from Station No. 10 located approximately one (5/8) mile from the project site at 148 Imperial Avenue.
2. **Police Protection** – Modesto City Police would assume responsibility for police protection upon effective date of annexation.
3. **Garbage and Garden Refuse Pickup** – Regular pickup service would remain unchanged to the area upon the effective date of annexation.
4. **Sanitary Sewer Service** – There is an existing 8" sewer line along Glenn Avenue that serves the school site and proposed annexation properties. The existing sewer line servicing the school site will also serve the subject site. According to the City's Engineering and Transportation Department, the increase in sewer service from the school will be offset from the elimination of sewer service from the five residential homes previously serviced by the sewer line.
5. **Water Service** – There is an existing City water line in Bret Harte Place that serves the schools and connects to fire hydrants on the Bret Harte Elementary School site. Service would continue to be provided by the City of Modesto upon annexation.

Exhibit "C" Plan for Services  
Glenn Avenue No. 1 Reorganization

6. **Storm Drainage** – The subject area is currently served by a rock well system. Upon annexation, the subject area will be required to collect and dispose of storm drainage on site.
  7. **Streets** – Glenn Avenue already exists and will become the frontage street for the subject site. As part of Bret Harte School's expansion and renovation project, the School District will be dedicating and constructing street improvements to the centerline to meet Minor Collector street standards. After completion of the road improvements this portion of Glenn Avenue will be the responsibility of the City.
- C. **The level and range of services:**  
The City of Modesto is a full service provider of municipal services and would provide the full range of services for those areas listed above.
- D. **When can the services be provided?**  
The above-described services can be provided upon the effective date of annexation.
- E. **Improvements required as condition of reorganization.**  
No improvements will be required as a condition of reorganization. Improvements would be required as a condition of development.
- F. **How will services be financed?**  
Services will be financed through a combination of City fees and Enterprise Fund.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-205**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(565) (VALLEY ASSOCIATED UROLOGY MEDICAL GROUP)**

WHEREAS, a verified application for an amendment to Section 3-3-9 of the Zoning Map was filed by Valley Associated Urology Medical Group on October 10, 2003, to reclassify from Specific Plan Overlay Zone, (SP-O), to Planned Development Zone, P-D(565), described as follows:

SP-O to P-D(565)

All that portion of the south ½ of the southwest ¼ of section 3, Township 3 South, Range 9 East, M.D.B.&M., City of Modesto, County of Stanislaus, State of California.

Parcel 1 of that certain Map filed in Vol. 22 of Parcel Maps at Page 21, Stanislaus County Records;

also including the Easterly ½ of the original 40-foot Coffee Road, and the Northerly ½ of the original 40-foot of Mable Avenue.

WHEREAS, after a public hearing held on March 1, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-13, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The project site is large enough to accommodate the proposed planned development zone for medical offices and associated off-street parking, and is located at the intersection of a minor arterial and a minor collector, and therefore will not result in adverse impacts to the adjacent residential neighborhood.

2. Due to the specifics of the proposed site design (masonry wall, driveway locations, etc.), the proposed planned development zone is compatible with existing and potential surrounding development.

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 6, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Valley Associated Urology Medical Group for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-13 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3347-C.S. on the 6<sup>th</sup> day of April 2004, reclassifying the above-described property from Specific Plan Overlay Zone, (SP-O), to Planned Development Zone, P-D(565).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(565), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled "Valley Associated Urology Medical Group" as amended in red, stamped approved by the City Council.
2. Prior to development of the two 11,000-square-foot buildings along the Mable Avenue frontage of the project site, the applicant shall make a formal application to the

City for a revised development plan to be considered by the Planning Commission.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows: Eight-foot-high masonry wall along the east property line as shown on the approved plan.
4. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the east property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Prior to issuance of any Certificate of Occupancy, landscaping of the entire periphery of the project site, including building pad locations for future single story buildings, shall be installed.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Director.
7. Prior to the issuance of a building permit, developer shall provide a study of the existing Rose Lane storm drainage basin to determine the percolation rate necessary to accommodate storm water runoff from the site in accordance with current City standards as of the date of issuance of the permit, and reconstruct the basin to ensure that it functions in a manner that will allow it to accommodate all storm water runoff from the site in accordance with current City standards as of the date of issuance of the permit. Alternatively, developer shall provide on-site containment and disposal of all storm water runoff in excess of two inches in a 24-hour period. Developer shall complete all required storm water improvements prior to connection to the off-site storm water collection system or prior to issuance of any Certificate of Occupancy, whichever occurs first.

8. Storm drainage control shall be in accordance with the City's Guidance Manual for New Development Storm Water Quality Control Measures. Storm drain improvements shall be constructed in accordance with plans approved by the Engineering and Transportation and Operations & Maintenance Directors.
9. Existing overhead and underground electric facilities shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director.
10. Street dedication consistent with Standard Specifications, and as shown on the approved site plan, shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
11. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
12. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
13. Ten-foot-wide public utility easements and four-foot-wide planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the Engineering and Transportation Director.
14. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
15. All signs shall comply with the sign requirements of the P-O Zone.
16. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

17. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(565):

The construction program be accomplished in two phases as follows:

Phase I – Construction to begin on or before March 1, 2005 and completion to be not later than March 1, 2007.

Phase II – Construction to begin on or before March 1, 2006 and completion to be not later than March 1, 2008.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(565), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: Steve Mitchell for BK  
Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-206**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE NORTH BEYER PARK SPECIFIC PLAN MITIGATED NEGATIVE DECLARATION (SCH NO. 96102053): AMENDING SECTION 3-3-9 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, (SP-O), TO PLANNED DEVELOPMENT ZONE, P-D(565), PROPERTY LOCATED AT THE NORTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE. (VALLEY ASSOCIATED UROLOGY MEDICAL GROUP)**

WHEREAS, on November 26, 1996, by Resolution No. 96-640, the City Council of the City of Modesto certified a Mitigated Negative Declaration for the North Beyer Park Specific Plan (SCH No. 96102053), and

WHEREAS, Valley Associated Urology Medical Group has proposed that the zoning designation for the property located at the northeast corner of Coffee Road and Mable Avenue be amended to rezone from Specific Plan Overlay Zone, (SP-O), to Planned Development Zone, P-D(565), in the City of Modesto ("the Project"), to allow the development of a 55,000-square-foot medical office complex and associated off-street parking, and

WHEREAS, the City's Community and Economic Development Department reviewed the proposed Project to determine if said Project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2004-14, which concluded that the proposed project is within the scope of the North Beyer Park Specific Plan Mitigated Negative Declaration (SCH No. 96102053), and

WHEREAS, the Planning Commission, by Resolution No. 2004-13, adopted on March 1, 2004, and City staff, by a report dated March 1, 2004, from the Community & Economic Development Department, recommended to the City Council approval of the application of Valley Associated Urology Medical Group to rezone a 5.5-acre parcel from Specific Plan Overlay Zone, (SP-O), to Planned Development, P-D(565), located at the northeast corner of Coffee Road and Mable Avenue in the North Beyer Park Specific Plan, to allow the development of a 55,000-square-foot medical office complex and associated off-street parking as set forth in said Resolution No. 2004-13, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 6, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2004-14, entitled "City of Modesto Initial Study Proposed Rezone to Planned Development for Medical Offices at the Northeast Corner of Coffee Road and Mable Avenue", for the proposed Project, and the Council hereby makes the following findings:

1. The proposed Project is within the scope of the North Beyer Park Specific Plan Mitigated Negative Declaration (SCH No. 96102053), which analyzed the potential impacts of buildout of the Specific Plan area.
2. No substantial changes are proposed in the Project that will require major revisions of the North Beyer Park Specific Plan Mitigated Negative Declaration.
3. No substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration.

4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the North Beyer Park Specific Plan Mitigated Negative Declaration was adopted shows any of the following:
  - a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    4. Mitigation measures or alternatives which are considerably different from those

analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-14, provides the substantial evidence to support findings 1-4, noted above.

Be it further resolved that a copy of said Environmental Assessment No. EA/C&ED 2004-14, entitled "City of Modesto Initial Study Proposed Rezone to Planned Development for Medical Offices at the Northeast Corner of Coffee Road and Mable Avenue," is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

**INITIAL STUDY**

**EA/C&ED NO. 2004-14**

# CITY of MODESTO

## INITIAL STUDY

### Proposed Rezone to Planned Development for Medical Offices at the Northeast Corner of Coffee Road and Mable Avenue

EA/CDD 2004-14

February 11, 2004

#### I. PURPOSE

On November 26, 1996, the Modesto City Council certified the Mitigated Negative Declaration for the North Beyer Park Specific Plan (SCH# 96102053). This document analyzed the impacts of buildout of the North Beyer Park Specific Plan area. Section 21166 of the Public Resources Code allows the North Beyer Park Specific Plan Mitigated Negative Declaration to be used for subsequent projects within the Specific Plan area, provided that the following findings can be made:

- A. No substantial changes are proposed in the project that will require major revisions of the environmental impact report.
- B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, has become available.

#### II. PROJECT DESCRIPTION

- A. Project title:  
Public Hearing – Application of Valley Associated Urology Medical Group for proposed medical offices at the northeast corner of Coffee Road and Mable Avenue
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:  
Brad Wall  
City of Modesto Community & Economic Development Department  
1010 10<sup>th</sup> Street, Suite 3100  
Modesto, CA 95353  
(209) 577-5282
- D. Project Location:  
Northeast corner of Coffee Road and Mable Avenue

- E. Project Sponsors:  
Valley Associated Urology Medical Group  
1541 Florida Avenue  
Modesto CA 95350
- F. General Plan Designation:  
Mixed Use (MU)
- G. Current Zoning:  
Specific Plan Overlay (SP-O)
- H. Description of Proposed Project:  
This is an application to develop a vacant five-acre site with a medical office project totaling approximately 55,000 square feet via a rezone from Specific Plan Overlay (SP-O) to Planned Development (P-D).
- I. Surrounding land uses:  
Property to the east is developed with single-family residential land uses. The properties to the north and west (across Coffee Road) are designated for non-residential uses, but are currently vacant. A relatively new medical office development exists to the south, across Mable Avenue.
- J. Other public agencies whose approval is required: None.

**III. ANALYSIS OF CONFORMANCE WITH CEQA SECTION 21166 FINDINGS**

- A. Are substantial changes proposed in the project that will require major revisions of the environmental impact report?

Following is an analysis of whether there are substantial changes proposed in the project that would require major revisions of the North Beyer Park Specific Plan Mitigated Negative Declaration:


**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

  
\_\_\_\_\_  
Signature

2/13/04  
Date

BRAD WALL  
Printed Name

\_\_\_\_\_  
For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each questions. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environment effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. <u>AESTHETICS</u> – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	[ ]	[ ]	[ ]	[ X ]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	[ ]	[ ]	[ ]	[ X ]
c) Substantially degrade the existing visual character or quality of the site and its surroundings? □	[ ]	[ ]	[ ]	[ X ]
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	[ ]	[ ]	[ ]	[ X ]

Discussion: The proposed project would have no impacts relative to scenic vistas nor resources, as none exist in the vicinity of the project site. Furthermore, as the proposed development consists of medical offices, there will be no activity at night. Any parking lot lighting will be required to be shielded and directed away from neighboring residences.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>II. <u>AGRICULTURE RESOURCES</u> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	[ ]	[ ]	[ ]	[X]
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	[ ]	[ ]	[ ]	[X]
<p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>	[ ]	[ ]	[ ]	[X]

Discussion: The project site is not zoned, used, nor designated for agricultural uses. It is not under Williamson Act contract.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>III. <u>AIR QUALITY</u> – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>	[ ]	[ ]	[ ]	[X]
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	[ ]	[ ]	[ ]	[X]
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>	[ ]	[ ]	[ ]	[X]
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>	[ ]	[ ]	[ ]	[X]
<p>e) Create objectionable odors affecting a substantial number of people?</p>	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project will have no adverse effect relative to air quality.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. <u>BIOLOGICAL RESOURCES</u> – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[ ]	[ ]	[ ]	[X]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[ ]	[ ]	[ ]	[X]
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	[ ]	[ ]	[ ]	[X]
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	[ ]	[ ]	[ ]	[X]
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	[ ]	[ ]	[ ]	[X]
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project will have no adverse effect relative to biological resources. The site is within the Modesto urban area and not near any riparian area nor migratory corridors.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. <u>CULTURAL RESOURCES</u> – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	[ ]	[ ]	[ ]	[X]
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	[ ]	[ ]	[ ]	[X]
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	[ ]	[ ]	[ ]	[X]
d) Disturb any human remains, including those interred outside of formal cemeteries?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project will not have any effect on cultural nor historic resources. However, if any such resources are discovered during construction, then activities shall cease until the artifacts and site can be fully evaluated by a qualified archeologist.

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	[ ]	[ ]	[ ]	[X]
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	[ ]	[ ]	[ ]	[X]
ii) Strong seismic ground shaking?	[ ]	[ ]	[ ]	[X]
iii) Seismic-related ground failure, including liquefaction?	[ ]	[ ]	[ ]	[X]
iv) Landslides?	[ ]	[ ]	[ ]	[X]

VI. GEOLOGY AND SOILS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	[ ]	[ ]	[ ]	[X]
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	[ ]	[ ]	[ ]	[X]
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?	[ ]	[ ]	[ ]	[X]
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	[ ]	[ ]	[ ]	[X]

Discussion: The project site is entirely flat, and not near any known seismic fault lines.

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	[ ]	[ ]	[ ]	[X]
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	[ ]	[ ]	[ ]	[X]

VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	[ ]	[ ]	[ ]	[X]
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	[ ]	[ ]	[ ]	[X]
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	[ ]	[ ]	[ ]	[X]
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	[ ]	[ ]	[ ]	[X]
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	[ ]	[ ]	[ ]	[X]
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project would have no impacts whatsoever relative to hazards and hazardous materials.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. <u>HYDROLOGY AND WATER QUALITY</u> – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements.	[ ]	[ ]	[ ]	[X]
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	[ ]	[ ]	[ ]	[X]
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on – or off-site?	[ ]	[ ]	[ ]	[X]
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site?	[ ]	[ ]	[ ]	[X]
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	[ ]	[ ]	[ ]	[X]
f) Otherwise substantially degrade water quality?	[ ]	[ ]	[ ]	[X]
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	[ ]	[ ]	[ ]	[X]
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	[ ]	[ ]	[ ]	[X]
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	[ ]	[ ]	[ ]	[X]

VIII. HYDROLOGY AND WATER QUALITY, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project will be subject to all relevant and applicable City of Modesto requirements related to municipal water service and storm drainage. The site is not located within the 100-year flood plain.

IX. LAND USE AND PLANNING – Would the project:

a) Physcially divide an established community?	[ ]	[ ]	[ ]	[X]
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	[ ]	[ ]	[ ]	[X]
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project is consistent with all applicable and relevant City of Modesto plans, policies and regulations.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. <u>MINERAL RESOURCES</u> – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	[ ]	[ ]	[ ]	[X]
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use pan?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project would have absolutely no impacts whatsoever relative to mineral resources.

XI. <u>NOISE</u> – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	[ ]	[ ]	[ ]	[X]
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	[ ]	[ ]	[ ]	[X]
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	[ ]	[ ]	[ ]	[X]
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	[ ]	[ ]	[ ]	[X]

XI. NOISE, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[ ]	[X]
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed medical office development operations will result in no significant increase in noise levels associated with pre-project conditions.

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)	[ ]	[ ]	[X]	[ ]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[ ]	[X]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[ ]	[X]

Discussion: Development of the proposed medical office project would result in no significant increase in population.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
▪ Fire Protection?	[ ]	[ ]	[ ]	[X]
▪ Police protection	[ ]	[ ]	[ ]	[X]
▪ Schools	[ ]	[ ]	[ ]	[X]
▪ Parks	[ ]	[ ]	[ ]	[X]
▪ Other public facilities?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed project will have absolutely no impacts relative to provision of public services.

**XIV. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[ ]	[ ]	[ ]	[ ]
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	[ ]	[ ]	[ ]	[ ]

Discussion: The proposed medical office project would result in no recreation-related impacts.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. <u>TRANSPORTATION/TRAFFIC</u> – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	[ ]	[ ]	[ ]	[X]
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[ ]	[X]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[ ]	[ ]	[ ]	[X]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[ ]	[ ]	[ ]	[X]
e) Result in inadequate emergency access?	[ ]	[ ]	[ ]	[X]
f) Result in inadequate parking capacity?	[ ]	[ ]	[ ]	[X]
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[ ]	[ ]	[ ]	[X]

Discussion: The proposed medical office development is located in an area with a well-established roadway network. The existing streets in the vicinity of the project site will easily accommodate both the existing traffic levels and the additional traffic generated as a result of the project. The site design conforms to all applicable City regulations related to traffic and parking.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[ ]	[ ]	[ ]	[X]
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?	[ ]	[ ]	[ ]	[X]
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?	[ ]	[ ]	[ ]	[X]
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	[ ]	[ ]	[ ]	[X]
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	[ ]	[ ]	[ ]	[X]
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	[ ]	[ ]	[ ]	[X]
g) Comply with federal, state, and local statutes and regulations related to solid waste?	[ ]	[ ]	[ ]	[X]

Discussion: The conditions of approval for the proposed medical office project will ensure that it can be served by all utilities and service systems, including storm drainage.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	[ ]	[ ]	[ ]	[X]
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects).	[ ]	[ ]	[ ]	[X]
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	[ ]	[ ]	[ ]	[X]

Discussion: Based on the analysis provided above, it is certain that there would be no impacts related to the areas of concern included within these Mandatory Findings of Significance.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-207**

**A RESOLUTION TO REMOVE A CROSSWALK AND THE WESTBOUND MODESTO AREA EXPRESS BUS STOP ON SCENIC DRIVE APPROXIMATELY 770 FEET EAST OF BODEM STREET, RELOCATE SAID BUS STOP TO THE NORTH SIDE OF SCENIC IMMEDIATELY WEST OF BODEM, CONSTRUCT A BUS TURNOUT AT THAT LOCATION, ELIMINATE THE WESTBOUND BUS STOP ON SCENIC IMMEDIATELY WEST OF MELROSE STREET AND REVISE MAX ROUTE 24 TO PROVIDE SERVICE BETWEEN THE MODESTO TRANSPORTATION CENTER AND THE EASTBOUND BUS STOP ON SCENIC DRIVE ADJACENT TO THE STANISLAUS COUNTY HEALTH SERVICES AGENCY.**

WHEREAS, City staff has received complaints about the crosswalk and bus stop at the above-stated location, and

WHEREAS, Traffic Engineering staff has reviewed said crosswalk and determined that it should be eliminated, and

WHEREAS, the crosswalk exists primarily to enable Modesto Area Express (MAX) passengers to access the westbound bus stop at that location, and

WHEREAS, without the crosswalk the bus stop is difficult to access, and

WHEREAS, staff reviewed the potential of relocating the bus stop to the north side of Scenic Drive immediately west of Bodem Street, and

WHEREAS, staff determined that a bus turnout would be desirable at that location to allow traffic to move freely past buses that are stopped at the bus stop, and

WHEREAS, a westbound bus stop exists on the north side of Melrose Street approximately one block west of Bodem Street, and

WHEREAS, two bus stops located within one block of each other is not conducive to the free flow of traffic or the efficiency of the bus system, and

WHEREAS, to accommodate individuals wishing to take the MAX bus from the Stanislaus County Health Services Agency (HSA) to the Modesto Transportation Center,

MAX Route 24 would need to be revised so that it stops on the south side of Scenic Drive adjacent to the HSA, and

WHEREAS, there is a need to transport students attending the Elliot Alternative Education Center to the Transportation Center, and

WHEREAS, supplemental bus service of approximately three hours each school day is needed to provide the desired student transportation, and

WHEREAS, based on concerns expressed by citizens and councilmembers to increase pedestrian, bus user, and vehicle safety, staff recommends removal of the mid-block crosswalk on Scenic Drive, and

WHEREAS, the Safety and Communities Committee reviewed and approved the crosswalk removal resulting in the relocation of the existing bus stop at their meeting on September 02, 2003, and

WHEREAS, a public hearing was held on October 14, 2003, and by motion Council referred this item to the Economic Development Committee (EDC) to discuss alternatives, and

WHEREAS, at their meeting on December 8, 2003, the EDC reviewed the alternatives presented by staff and approved the alternative in the staff report to remove the crosswalk and the westbound bus stop located approximately 770 feet east of Bodem Street, relocate the bus stop to the north side of Scenic Drive immediately west of Bodem Street, construct a bus turnout at that location, remove the existing westbound bus stop on Scenic Drive immediately west of Melrose Street, and revise MAX Route 24 so that it provides service to the Transportation Center from the bus stop located on the south side of Scenic Drive adjacent to the HSA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the removal of the crosswalk and the westbound bus stop located approximately 770 feet east of Bodem Street, relocation of the bus stop to the north side of Scenic Drive immediately west of Bodem Street, construction of a bus turnout at that location, removal of the existing westbound bus stop on Scenic Drive immediately west of Melrose Street, revision of MAX Route 24 so that it provides service to the Transportation Center from the bus stop located on the south side of Scenic Drive adjacent to the HSA and provides supplemental bus service of approximately three hours per day.

BE IT FURTHER RESOLVED that these changes be accomplished such that all are implemented during January 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-208**

**A RESOLUTION APPROVING IN CONCEPT NEW MODESTO AREA EXPRESS (MAX) ROUTES TO START IN JANUARY 2005 AND APPROVE ADDITIONAL SHORT RANGE TRANSIT IMPROVEMENTS FOR THE MODESTO AREA EXPRESS (MAX) SERVICE.**

WHEREAS, the Economic Development Committee met on March 8, 2004, and concurred with staff's recommendation to implement short-range improvements to the MAX system, including two new routes connecting the downtown Transportation Center with the Vintage Faire Mall and the Stanislaus County Community Services Agency in January 2005, and

WHEREAS, the staff report to the City Council dated March 22, 2004, recommends approval of various short range transit improvements to the MAX system and approval of conceptual plans to implement new routes connecting the downtown Transportation Center with the Vintage Faire Mall and the Stanislaus County Community Services Agency in January 2005, and

WHEREAS, these service improvements are necessary to ensure that the transit system grows as the City of Modesto grows and the transit system maintains its effectiveness, and

WHEREAS, staff must begin work immediately to allow lead-time necessary to implement the new routes proposed to begin operation in January 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves in concept new Modesto Area Express (MAX) routes to start in

January 20005 connecting downtown Modesto with the Vintage Faire Mall and South Modesto.

BE IT FURTHER RESOLVED that the Council hereby approves additional short-range improvements to the MAX system as described in full in the Engineering and Transportation staff report dated March 22, 2004 on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-209**

**A RESOLUTION COMMITTING FISCAL YEAR 2004-2005 OPERATING  
BASELINE BUDGET FUNDS IN THE AMOUNT OF \$324,000 TO INCREASE  
MODESTO AREA EXPRESS (MAX) BUS SERVICE IN BUS FUND  
ORGANIZATIONS 1672 AND 5612.**

WHEREAS, the City Council has been requested in the staff report from Peter Cowles, Acting Engineering & Transportation Director, to the City Council dated March 22, 2004, to approve the expansion of MAX Bus Service in fiscal year 2004-2005, and

WHEREAS, funds for this expansion are included in the fiscal year 2004-2005 Baseline Budget, and

WHEREAS, an eight-month lead-time is required to complete the community participation process and update informational materials necessary for such an expansion, and

WHEREAS, a commitment of Fiscal Year 2004-2005 Operating Baseline Budget Funds to increase the proposed transit services is necessary before work on said services begins,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby commits the funds presently identified in the Fiscal Year 2004-2005 Operating Baseline Budget in the amount of \$324,000 to bus service expansion in Organizations 1672 and 5612.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-210**

**A RESOLUTION APPROVING AN AGREEMENT WITH HARRIS &  
ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO CONDUCTING  
PROPERTY OWNER PROTEST PROCEEDING FOR A PROPOSED  
INCREASE TO THE WATER RATES AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City Council accepted staff's recommendation for water rate increases and

WHEREAS, the City Council directed staff to take the necessary steps to initiate a Proposition 218 water rate increase process with the assistance of an outside firm, in order to complete the process within a designated timeframe and

WHEREAS, there is not sufficient City staff resources and expertise to conduct the election for the Water Rate Increase in-house and

WHEREAS, Harris & Associates has unique experience and knowledge of conducting property owner balloting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement in an amount not to exceed \$100,000, with Harris & Associates, Inc., related to the property owner protest proceeding for the Water Rate Increase to include justifying the basis of rates complying with Proposition 218, preparation of the required notice, database development of the parcel information, printing, sorting, mailing and tabulating of the notice, and presenting the results to the City Council for certification.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement and appropriate funds from 04-6100-800-8000-8003 in the amount of \$100,000 to 04-0100-120-1205-0235.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-211**

**A RESOLUTION APPROVING ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS OF \$308,100 FOR PUBLIC SERVICES AND \$109,443 FOR SERVICES FOR THE HOMELESS, AND EMERGENCY SHELTER GRANT (ESG) FUNDS OF \$61,831 FOR FISCAL YEAR 2004-2005, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND EXECUTE THE AGREEMENTS.**

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

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

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

WHEREAS, a maximum of fifteen percent (15%) of the City's available CDBG entitlement plus an amount up to 15% of prior year's program income, may be allocated for the purposes of providing assistance that is consistent with the functions of CDBG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2004-2005, 15% of the City's available CDBG entitlement plus prior year program income is \$458,100, and 15% of prior year's CDBG Revolving Loan Fund program income is \$110,000, and

WHEREAS, the available ESG entitlement is \$105,715, and

WHEREAS, in 2000, the City Council recommended that the Modesto Police Department be allocated funds for the Crime Free Multi-Housing Project (Crime Prevention Program) funded with CDBG Public Service funds for three years at \$150,000 per year, and Fiscal Year 2003-2004 was the last year, and

WHEREAS, staff has reduced the amount of CDBG funding available to non-profit agencies by \$150,000 in order to fund the Crime Prevention Program for one additional year, and

WHEREAS, the CH&CDC recommended allocation of \$308,100 in available funds to qualified non-profit agencies as set forth in **Exhibit A**, attached hereto and incorporated by reference, and

WHEREAS, CH&CDC also recommended that \$109,443 be allocated for services for the homeless as set forth in **Exhibit B**, attached hereto and incorporated by reference, and

WHEREAS, in Fiscal Year 2004-2005, the City's ESG grant is \$105,715, and

WHEREAS, the CH&CDC recommended allocation of \$61,831 to local non-profit agencies for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, as set forth in **Exhibit C**, attached hereto and incorporated by reference, and

WHEREAS, the CH&CDC recommended that the balance of \$43,884 be allocated through a new RFP process, and

WHEREAS, at a public meeting on March 26, 2004, the Citizens Housing and Community Development Committee recommended funding as set forth in **Exhibits A, B and C** attached hereto and incorporated by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of \$308,100 in Community Development Block Grant (CDBG) funds for public services as set forth in **Exhibit A**.

BE IT FURTHER RESOLVED that the Council hereby approves the allocation of \$109,443 in Community Development Block Grant (CDBG) funds for services for the homeless as set forth in **Exhibit B**.

BE IT FURTHER RESOLVED that the Council hereby approves the allocation of Emergency Shelter Grant (ESG) funds of \$61,831 for Fiscal Year 2004-2005 as set forth in Exhibit C.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of \$150,000 to the Modesto Police Department for the Crime Prevention Program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to implementation of the allocation of Fiscal Year 2004-2005 CDBG and ESG Public Service Grant funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**REASONS FOR RECOMMENDATIONS, CDBG PROPOSALS NOT RECOMMENDED FOR FUNDING OR THOSE WITH SPECIAL CONDITIONS:**

**Nirvana, Women of Hope (Shelter beds):** Not recommended for funding. Budget was inconsistent and vague. Proposal was conflicting. The proposal indicates that the cost per bed is \$600 but the funds requested are for \$800 per bed. There is no explanation why are they requesting an additional \$200 per bed. The committee felt that the most recent audit should be at least from 2002. Nirvana submitted an audit dated August 2001.

**United Way, Volunteer Connection:** Not recommended for funding. Based upon the information in the proposal, the funding requested appears to be to replace staff that had been reduced last year. Not a new service.

**Parent Resource Center, The "ABC" of Childcare Expansion:** Recommended for funding for \$21,747 for twenty five percent (25%) of the amount requested for two staff positions plus benefits and a small portion of the direct program costs.

**United Way, Information and Referral:** Recommended for funding for \$13,044 or 50% of the amount requested.

**Victory Life Center/Modesto Love Center, Commodity Supplement Food Program:** Recommended for funding for \$15,470. CDBG will fund seventy percent (70%) of half of the amount requested for two staff positions.

**Stanislaus Community Assistance Project, Nutritional Supplement and Education Program:** Recommended for funding for \$41,485 for a delivery driver and fifty percent (50%) of the amount requested for food.

**Project Sentinel, Tenant-Landlord Services:** Recommended for funding for \$24,569 for a case manager.

**DRAIL, Assistive Technology Services:** Recommended for funding for \$18,000 for equipment only.

**Community Housing & Shelter Services, Children's Supportive Services:** Not recommended for funding. The project description was not adequate for the review committee to establish the increase of services.

**The Salvation Army, Senior Meals (Home Delivered):** Not recommended for funding. Proposal was not descriptive enough in explaining an increase of services.

**Community Housing & Shelter Services, Supportive Housing:** Not recommended for funding. The review committee felt that the proposal did not indicate an increase of services.

**Children's Crisis Center, Sawyer House Nursery Expansion:** Recommended for funding for \$13,000 with the condition that the agency has to submit a copy of the conditional use permit and building permits.

**The Salvation Army, Subsidized Childcare:** Not recommended for funding. Proposal was not descriptive enough in explaining an increase of services. Also there is not information as to how the funds will be subsidized for each slot.

**Community Housing & Shelter Services, Homeless Prevention Case Management:** Recommended for funding for \$43,280 for rental assistance and shelter vouchers.

**Healthy Aging Association, "Young at Heart":** Not recommended for funding. The committee had questions about trainers certifications. The committee also felt that the need for this program is not as critical as others needed in the community.

CDBG Applications Services for the Homeless									
FY 2004-2005									
Agency	Program Name				Funding Request CDBG	Recommended Amounts CDBG	Available CDBG		
Nirvana Drug and Alcohol Institute	Women Of Hope				\$ 21,600	0			
Center for Human Services	Pathways Transitional Living Program				\$ 22,484	16,860			
Center for Human Services	Hutton House Runaway and Homeless Youth Shelter				\$ 17,098	0			
Inter-Faith Ministries	Santa Fe Homeless Shelter -Rent and Food				\$ 86,800	42,800			
Stanislaus Community Assistance Project	Homeless Prevention & Assistance Program (HPAP)				\$ 64,652	0			
The Salvation Army	Homeless Noon Meals Program				\$ 10,000	10,000			
Comm. Hsng. & Shelter (CHSS)	Homeless Case Management				\$ 106,797	29,720			
Children's Crisis Center of Stanislaus County	Sawyer House Children's Homeless Shelter				\$ 10,063	10,063			
Total Requests/Recommendations					\$ 339,494	109,443	\$110,000		
Committee is recommending a total allocation of \$109,443 in CDBG funding. Total CDBG funding available is \$110,000									

**REASONS FOR RECOMMENDATIONS, CDBG SERVICES FOR THE HOMELESS PROPOSALS NOT RECOMMENDED FOR FUNDING OR THOSE WITH SPECIAL CONDITIONS:**

**Nirvana, Women of Hope:** Not recommended for funding. Budget was inconsistent and vague. The committee felt that the most recent audit should be at least from 2002. Nirvana submitted an audit dated August 2001.

**Center for Human Services, Pathways:** Recommended for funding for \$16,860 for seventy five percent (75%) of the staff position requested.

**Center for Human Services, Hutton House:** Not recommended for funding. Due to the limited funding resources we could not fund this project.

**Inter-Faith Ministries, Santa Fe Homeless Shelter:** Recommended for funding for \$42,800 for rent only.

**Stanislaus Community Assistance Project, Homeless Prevention:** Not recommended for funding. The committee felt that the request for funds was a duplication of services.

**Community Housing & Shelter Services, Homeless Case Management:** Recommended for funding for \$29,720 shelter vouchers and bus passes.

**ESG Applications  
FY 2004-2005**

Agency	Program Name	Funding Request ESG	Recommended Funding Amounts ESG	Available ESG
Nirvana Drug and Alcohol Treatment	Women of Hope House	\$ 35,360	0	
Center for Human Services	Hutton House Runaway and Homeless Youth Shelter	\$ 5,250	1,700	
Center for Human Services	Pathways, Transitional Living Program (Food)	\$ 17,690	16,848	
Interfaith Ministries	Redwood Family Center	\$ 3,476	2,243	
Interfaith Ministries	Santa Fe Emergency Shelter Project (Salaries and Household)	\$ 47,000	27,000	
Stanislaus Community Assistance Project	Homeless Prevention Counseling Services	\$ 22,252	0	
CHSS	Housing/Supportive Services Case Management	\$ 61,882	0	
Children's Crisis Center of Stanislaus County	Cricket's House Children's Homeless Shelter	\$ 14,040	14,040	
The Salvation Army	Emergency Shelter	\$ 75,000	0	
<b>Total Requests/Recommendations</b>		<b>\$ 281,950</b>	<b>61,831</b>	<b>\$ 105,715</b>

Committee is recommending a total allocation of \$61,831 in ESG funding. Total ESG funding available is \$105,715.

The Committee also recommended to set aside the remaining balance or \$43,884 for Winter Shelter proposals, and to release the proposals in June 2004

**REASONS FOR RECOMMENDATIONS, ESG PROPOSALS NOT RECOMMENDED FOR FUNDING OR THOSE WITH SPECIAL CONDITIONS:**

**Nirvana, Women of Hope:** Not recommended for funding. Budget was inconsistent and vague. The committee felt that the most recent audit should be at least from 2002. Nirvana submitted an audit dated August 2001.

**Center for Human Services, Hutton House:** Recommended for funding for \$1,700 for cabinets only. Bids for the replacement of the cabinets should be submitted to, and approved by, City staff, prior to execution of contract and reimbursement.

**Center for Human Services, Pathways:** Recommended for funding for \$16,848 for direct services only.

**Interfaith Ministries, Redwood Family Center:** Recommended for funding for \$2,243. The committee felt that the water softener was not critical.

**Interfaith Ministries, Santa Fe Emergency Shelter:** Recommended for funding for \$27,000 for security employees only.

**Stanislaus Community Assistance Project, Homeless Prevention:** Not recommended for funding. The budget was unclear as to how the ESG funds would be matched. Also, the committee felt that the request for funds was a duplication of services.

**Community Housing & Shelter Services, Housing/ Supportive Services Case Management:** Not recommended for funding. The proposal does not indicate the number of low-income Modesto residents that will benefit from this program.

**Salvation Army, Emergency Shelter:** Not recommended for funding. The application was unclear as to where the emergency shelter will operate. There is no specified location to date. There was no commitment as to how the ESG funds would be matched.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-212**

**A RESOLUTION AUTHORIZING STAFF TO ISSUE A NEW RFP FOR \$43,884  
OF ESG FUNDS FOR A WINTER SHELTER.**

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

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

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

WHEREAS, in Fiscal Year 2004-2005, the City's ESG grant is \$105,715, of which \$61,831 is recommended for allocation by the Citizens Housing and Community Development Committee (CH&CDC) to local non-profit agencies for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, the CH&CDC recommended that the balance of \$43,884 be allocated for a Winter Shelter through a new RFP process, and

WHEREAS, local non-profit agencies will be invited to submit applications for Request for Proposals (RFP) to be issued in May 2004, for a Winter Shelter for the balance of available ESG funds of \$43,884.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to issue a new RFP for a Winter Shelter for the balance of available FY 2004-2005 ESG funds of \$43,884.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-213**

**A RESOLUTION OPPOSING THE PASSAGE OF SENATE BILL 744 (DUNN),  
HOUSING AND COMMUNITY DEVELOPMENT ACCOUNTABILITY**

WHEREAS, Senate Bill 744 establishes, within the State Department of Housing and Community Development (HCD), a procedure to hear appeals from developers of affordable housing that have had a project denied or have had conditions placed on it that would make the project financially unfeasible, and

WHEREAS, Senate Bill 744 passed the Senate at the end of January 2004, and has currently been read for the first time in the Assembly on January 26, 2004. The bill has not been assigned to a policy committee as of this date, and

WHEREAS, there already exist remedies with the Anti-NIMBY Law, Section 65589.5 of the Government Code to protect developers of low and moderate-income housing development for arbitrary conditions or denials, and

WHEREAS, the legislation proposes to transfer local land use authority to the state, and

WHEREAS, the legislation permits a developer to override local zoning when the Department of Housing and Community Development has failed to certify a local housing element, and

WHEREAS, developers and redevelopment agencies have concern about the significant increase in development costs associated with the recently imposed prevailing wage requirements which have reduced the feasibility of many affordable housing projects. The legislation does not empower the state to consider establishing a panel with

the authority to grant affordable housing developers relief from the state's prevailing wage requirements, and

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

WHEREAS, the Strategic Plan Action Item 3.10 states, "Support comprehensive long term reform efforts to return to local governments their historical discretionary use of local revenues,"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby opposes Senate Bill 744, proposed legislation for HCD State Housing Accountability, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL****No. 744**

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**Introduced by Senators Dunn and Ducheny  
(Principal coauthor: Senator Hollingsworth)  
(Principal coauthor: Assembly Member Steinberg)  
(Coauthors: Senators Burton and Florez)**

February 21, 2003

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An act to add Section 65585.4 to the Government Code, relating to planning.

## LEGISLATIVE COUNSEL'S DIGEST

SB 744, as amended, Dunn. Planning: housing.

Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and inventory of resources and constraints relevant to meeting these needs. The assessment includes the locality's share of regional housing needs which is determined by the appropriate council of governments, subject to revision by the Department of Housing and Community Development.

This bill would ~~establish within~~ *require* the department ~~a Housing Accountability Committee consisting of 5 members, appointed as specified,~~ to hear appeals of city, county, or city and county decisions on applications for the construction of housing developments that meet specified affordability requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65585.4 is added to the Government  
2 Code, to read:

3 ~~65585.4. (a) There shall be within the department a Housing~~  
4 ~~Accountability Committee consisting of five members. The~~  
5 ~~director of the department and the Director of the Governor's~~  
6 ~~Office of Planning and Research shall be ex officio members,~~  
7 ~~except that either may designate an employee of his or her~~  
8 ~~respective department or office to serve on the committee. The~~  
9 ~~remaining three members shall be appointed by the Governor with~~  
10 ~~the advice and consent of the Senate. One member shall be a~~  
11 ~~member of a city council or board of supervisors, and one other~~  
12 ~~member shall have extensive experience in the development of~~  
13 ~~affordable housing. The appointed members shall serve for terms~~  
14 ~~of two years each, and the director shall designate the chairperson.~~  
15 ~~A member of the committee shall receive no compensation for his~~  
16 ~~or her services, but shall be reimbursed by the department for all~~  
17 ~~reasonable expenses actually or necessarily incurred in the~~  
18 ~~performance of his or her official duties. The committee shall hear~~

19 ~~65585.4. (a) The department shall hear appeals pursuant to~~  
20 ~~this section at least quarterly or more often as necessary. The~~  
21 ~~committee. The department shall conduct the hearings in~~  
22 ~~accordance with rules and regulations established by the~~  
23 ~~department. The department shall provide the space and clerical~~  
24 ~~and other assistance that the committee may require. department.~~

25 (b) Any applicant who proposes to construct a housing  
26 development that meets the criteria of subdivision (c) and whose  
27 application is either denied or approved with conditions that in his  
28 or her judgment render the provision of housing infeasible, may  
29 appeal the decision of the city, county, or city and county to the  
30 ~~Housing Accountability Committee~~ department. However,  
31 conditions or mitigation measures impose pursuant to a local  
32 coastal permit or an environmental review required by the  
33 California Environmental Quality Act (Division 13 (commencing  
34 with Section 21000) of the Public Resources Code) may not be  
35 appealed.

1 (c) An applicant may file an appeal with the committee  
2 department if both of the following criteria are met:

3 (1) The proposed housing development will meet any of the  
4 following affordability requirements:

5 (A) Five percent of the total housing of the housing  
6 development is available at affordable housing cost to extremely  
7 low income households whose household income is less than or  
8 equal to 30 percent of the area median income.

9 (B) Ten percent of the total housing of the development is  
10 available at affordable housing cost to very low income  
11 households, as defined in Section 50105 of the Health and Safety  
12 Code.

13 (C) Twenty percent of the total housing of the development is  
14 available at affordable housing cost to lower income households,  
15 as defined in Section 50079.5 of the Health and Safety Code.

16 (D) Fifty percent of the total housing of the development is  
17 available at affordable housing cost to moderate-income  
18 households, consistent with Section 50052.5 of the Health and  
19 Safety Code.

20 (2) Either of the following criteria is met as of the date on which  
21 the application to the city, county, or city and county is deemed  
22 complete:

23 (A) The city, county, or city and county has adopted a housing  
24 element that the department has determined pursuant to Section  
25 65585 to be in substantial compliance with the requirements of this  
26 article, and the proposed housing development, exclusive of any  
27 density bonus granted pursuant to Section 65915, is consistent  
28 with both the density allowed by the jurisdiction's zoning  
29 ordinance and the general plan land use designation as specified  
30 in any element of the general plan as of the date the application was  
31 deemed complete, provided that consistency shall not be required  
32 with the zoning ordinance or land use designation if the  
33 jurisdiction has not amended the ordinance or the designation to  
34 conform to the adopted housing element.

35 (B) The city, county, or city and county has not adopted a  
36 housing element that the department has determined pursuant to  
37 Section 65585 to be in substantial compliance with the  
38 requirements of this article, and the proposed housing  
39 development; is located on a site that is designated for residential

1 or commercial uses in any element of the general plan as of the date  
2 the application was deemed complete.

3 (d) An applicant may file an appeal with the ~~committee~~  
4 ~~department~~ within 20 days after the date of the decision by the  
5 local agency to deny the application or approve the application  
6 with conditions that render the provision of housing infeasible.  
7 The ~~committee-department~~ shall notify the local agency of the  
8 filing of ~~such~~ an appeal within 10 days, and the local agency shall,  
9 within 10 days of the receipt of the notice, transmit a copy of its  
10 decision and the reasons therefor to the ~~committee-department~~.  
11 The appeal shall be heard within 30 days after receipt of the request  
12 for an appeal by the applicant. The ~~appeal hearing may be~~  
13 ~~conducted by the board, a subcommittee of one or more members~~  
14 ~~of the board, or a hearing officer appointed by the chair of the~~  
15 ~~board appeal hearing may be conducted by the department or a~~  
16 ~~hearing officer appointed by the director of the department. A~~  
17 ~~stenographic record of the proceedings shall be kept. At its next~~  
18 ~~full meeting, the committee- Within 30 days of the appeals hearing,~~  
19 ~~the department~~ shall render a written decision, based upon a  
20 majority vote, stating its findings of fact, its conclusions and the  
21 reasons therefor. The hearing by the ~~Housing Accountability~~  
22 ~~Committee-department~~ shall be limited to the issue of whether, in  
23 the case of the denial of an application, the decision of the city,  
24 county, or city and county was reasonable and consistent with  
25 meeting local housing needs as determined pursuant to Section  
26 65584 and, in the case of an approval of an application with  
27 conditions and requirements imposed, whether those conditions  
28 and requirements render the provision of housing infeasible and  
29 whether they are reasonable and consistent with meeting local  
30 housing needs as determined pursuant to Section 65584. If the  
31 ~~committee-department~~ finds, in the case of a denial, that the  
32 decision of the local agency is not reasonable or consistent with  
33 meeting local housing needs, it shall vacate the decision and shall  
34 direct the local agency to issue any necessary approval or permit  
35 to the applicant. If the ~~committee-department~~ finds, in the case of  
36 an approval with conditions and requirements imposed, that the  
37 decision of the board renders the provision of housing infeasible  
38 and is not reasonable or consistent with meeting local housing  
39 needs, it shall order the local agency to modify or remove any such  
40 condition or requirement so as to make the project no longer

1 infeasible and to issue any necessary permit or approval. Decisions  
2 or conditions and requirements imposed by a local agency that are  
3 consistent with meeting local housing needs shall not be vacated,  
4 modified, or removed by the ~~committee~~—*department*  
5 notwithstanding that those decisions or conditions and  
6 requirements have the effect of rendering the provision of housing  
7 infeasible.

8 (e) In any appeal before the ~~committee~~—*department*, the  
9 applicant shall have the initial burden of proof to show that it has  
10 met the requirements of subdivision (c). In a case of approval with  
11 conditions or requirements imposed, the applicant shall also have  
12 the burden of proof to show that the conditions and requirements  
13 render the provision of housing infeasible. If the applicant meets  
14 the initial burden of proof, then the city, county, or city and county  
15 shall have the burden of proof to show that its action was  
16 reasonable in that denial of the project or the failure to implement  
17 the conditions and requirements, as proposed, would have a  
18 specific, adverse impact, as defined in Section 65589.5, upon the  
19 public health or safety, the physical environment, or on any real  
20 property that is listed in the California Register of Historical  
21 Resources, that there is no feasible method to satisfactorily  
22 mitigate or avoid the specific adverse impact without rendering the  
23 project infeasible, and that the mitigation or avoidance of such  
24 impacts outweigh local housing needs.

25 (f) The ~~Housing Accountability Committee~~—*department* or the  
26 applicant shall have the power to enforce the orders of the  
27 ~~committee~~—*department* at law or in equity in the superior court.  
28 The city, county, or city and county shall carry out the order of the  
29 ~~Housing Accountability Committee~~—*department* within 30 days of  
30 its entry and, upon failure to do so, the order of the ~~committee~~  
31 *department* shall for all purposes, be deemed to be the action of the  
32 local agency, unless the applicant consents to a different decision  
33 or order by the local agency.

34 (g) The department may charge a fee to cover actual costs  
35 directly related to the activities of the ~~Housing Accountability~~  
36 ~~Committee~~—*department in administering this section*. The fee shall  
37 initially be paid by the applicant. If the ~~committee~~—*department*  
38 orders approval of the proposed development or modifies or  
39 removes any conditions or requirements imposed upon the

1 applicant, the city, county, or city and county shall reimburse the  
2 applicant for the fee paid pursuant to this subdivision.

3 (h) (1) For the purposes of this section, “housing  
4 development” means a development project consisting of one or  
5 more residential dwelling units or an emergency shelter facility.

6 (2) For the purposes of this section, an adopted housing  
7 element that has been self-certified pursuant to Section 65585.1  
8 shall be deemed to have been approved by the department, unless  
9 a court finds that the jurisdiction’s housing element does not  
10 substantially comply with this article.

11 (i) The remedies provided in this section are in addition to any  
12 other remedy provided by law.



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-214**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR AUDIT SERVICES WITH MAZE & ASSOCIATES AT A COST NOT TO EXCEED \$29,040, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT.**

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

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

WHEREAS, the audit firm was required as part of its work to perform additional work that was outside the scope of the original contract, at a price not to exceed \$29,040, and

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

WHEREAS, at its March 12, 2004, meeting the Audit Committee recommended that the Council approve payment for the additional work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the contract for audit services with Maze & Associates, authorizing the additional work proposed, at a cost not to exceed \$29,040.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-215**

**A RESOLUTION APPROVING THE AWARD OF A \$138,000 CONTRACT TO GDR ENGINEERING, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PROJECT TITLED "SYLVAN/ROSELLE INTERSECTION IMPROVEMENTS" AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR TO EXECUTE THE CONTRACT.**

WHEREAS, following a Request for Qualifications which was sent to all local engineering firms, six statements of qualifications were received for the Sylvan/Roselle Intersection Design Project and were submitted to the City, and

WHEREAS, a selection team decided all six firms were qualified to provide engineering design services, and

WHEREAS, the selection team decided that GDR Engineering, Inc., rated highest for the design of the Sylvan/Roselle Intersection Project, in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that GDR Engineering, Inc., be accepted as the most qualified engineering consulting firm for engineering design services for the "Sylvan/Roselle Intersection Improvement project", and

WHEREAS, the District Engineer has recommended accepting the proposal of GDR Engineering, Inc., in an amount not to exceed \$138,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of a contract for engineering design services for the project titled "Sylvan/Roselle Intersection Improvement Project." to GDR Engineering, Inc., in an amount not to exceed \$138,000.00.

BE IT FURTHER RESOLVED that the Community Facilities District Administrator, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahra  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-216**

**A RESOLUTION RESTATING 2004 LOCAL GOVERNMENT  
TRANSPORTATION CONTROL MEASURES IN THE EXTREME OZONE  
ATTAINMENT DEMONSTRATION PLAN FOR THE SAN JOAQUIN VALLEY,  
ADDING MEASURE ST 8.4: CREDITS AND INCENTIVES FOR CARPOOLERS,  
AND RESCINDING RESOLUTION NO. 2004-101**

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California as the regional air quality planning agency in San Joaquin Valley, and

WHEREAS, the San Joaquin Valley nonattainment area was initially classified as a Severe Area for ozone according to the Clean Air Act, and

WHEREAS, On February 5, 2002 the City of Modesto adopted Resolution Number 2002-43 that adopted the Modesto's Reasonably Available Control Measures which were included in the SJVAPCD Severe Area Ozone Plan, and

WHEREAS, The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reclassified the San Joaquin Valley as Extreme non attainment for the 1-hour ozone standard and is now developing an Extreme Ozone Attainment Demonstration Plan; and

WHEREAS, the Extreme Ozone Attainment Demonstration Plan is required to include Reasonably Available Control Measures from the City of Modesto, and

WHEREAS, the City of Modesto adopted updated Reasonably Available Control Measures on February 24, 2004, in Resolution No. 2004-101, and

WHEREAS, as described in the Staff Report from Peter Cowles, Acting Engineering and Transportation Director, presented at the April 27, 2004, meeting, the City of Modesto is required to add an additional Reasonably Available Control Measure to the Measures adopted in Resolution 2004-101,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it finds, determines, and orders as follows:

1. That the Council of the City of Modesto agrees to proceed with a good faith effort to implement the Transportation Control Measures (TCMs) identified in Exhibit A which is part of this resolution;
2. That the Council of the City of Modesto commits to implement the TCM's as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City of Modesto agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

BE IT FURTHER RESOLVED, that effective April 27, 2004, Resolution No. 2004-101 adopted on February 24, 2004, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## Explanations for Commitment to the 2004 Control Measures

### **Measure Title: ST 1.1: Regional Express Bus Program**

**Measure Description:** Purchase of buses to operate regional express bus services.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Existing. Continuation of existing service dependent upon continued availability of revenue from federal and state sources and continued level of existing demand for service. Evaluation of service expansion contingent upon availability of funding from State and Federal sources specifically earmarked for public transit service.

**Funding Allocated to Measure and Source:** Service expansion contingent upon availability of funding from State and Federal sources specifically earmarked for public transit service. Potential funding sources include: Congestion Mitigation and Air Quality, Local Transportation Funds and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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### **Measure Title: ST 1.2: Transit Access to Airports**

**Measure Description:** Operation of transit to regional airports to serve air passengers.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Existing. Continuation of service dependent upon continuation of existing level of state and federal transit revenue and in rider demand.

**Funding Allocated to Measure and Source:** Continuation of service dependent upon continuation of existing level of state and federal transit revenue. Potential funding sources include FTA Sec 5307, Local Transportation Funds, and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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### **Measure Title: ST 1.5: Expansion of Public Transportation Systems**

**Measure Description:** Expand and enhance existing public transit services. Monitor needs for increased frequencies on heavily used routes; implement as appropriate; implement service as appropriate for newly developed areas.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Dependent upon available revenue and rider demand. Implementation of service subject to an increase in state and federal funding sources specifically available for public transit service.

**Funding Allocated to Measure and Source:** Potential funding sources include FTA Section 5307, Local Transportation Funds, and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 1.7 Free Transit During Special Events**

**Measure Description:** Offer free transit during selected special events to reduce event related congestion and associated emissions increases. Includes Try Transit Week, Modesto's International Festival, and service to the annual free Thanksgiving dinner at Modesto Centre Plaza.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** Dependent upon available revenue and rider demand.

**Funding Allocated to Measure and Source:** Potential funding sources include: FTA Section 5307, Local Transportation Funds and passenger fares.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 3.5: Preferential Parking for Carpools and Vanpools**

**Measure Description:** This measure encourages public and private employers to provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant automobile work trips. The preferential treatment could include covered parking spaces or close-in spaces.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** The feasibility of this strategy at Tenth Street Plan has been evaluated. This plan will be reviewed every 24 months to assess if the feasibility of this strategy has changed.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.1: Develop Intelligent Transportation Systems**

**Measure Description:** "Intelligent Transportation Systems" includes various technological applications intended to produce more efficient use of existing transportation corridors.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Three projects currently identified for this measure have been completed. These projects include an expansion of the ATMS Northeast completed by the end of 2002, an expansion of the ATMS Northwest completed by the end of 2003 and Phase III of the Closed Circuit Television completed by the end of 2002.

**Funding Allocated to Measure and Source:** The current projects are funded out of Congestion Mitigation and Air Quality funds.

ATMS Northeast \$490,428                      Pelandale-ATMS/CCTV: \$425,000  
Expand ATMS – College \$100,000    ATMS Northwest: \$805,000    CCTV: \$1,290,940

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.2: Coordinate Traffic Signal Systems**

**Measure Description:** This measure implements and enhances synchronized traffic signal systems to provide steady traffic flow at moderate speeds. In 2002 the City of Modesto won CATS award for best use of federal funds for the synchronizing the light outside the downtown core.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Ongoing as long as Congestion Mitigation and Air Quality funds remain available for these projects. Current projects included: 1- synchronize downtown lights 2004; and 2- synchronize outside downtown core 2006.

**Funding Allocated to Measure and Source:** There is no specific funding associated with this measure. Future projects will be dependent upon Congestion Mitigation and Air Quality allocations.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.3: Reduce Traffic Congestion at Major Intersections**

**Measure Description:** This measure implements a wide range of traffic control techniques designed to facilitate smooth, safe travel through intersections. These techniques include signalization, turn lanes, roundabouts, or median dividers. The use of grade separations may also be appropriate for high volume or unusually configured intersections.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as long as Congestion Mitigation and Air Quality funding is available for these projects. Recent projects include roundabouts on Bowen and La Loma.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Gas Tax funds and Capital Facilities Fees.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.4: Site-Specific Traffic Control Measures**

**Measure Description:** This measure could include geometric or traffic control improvements at specific congested intersections or at other substandard locations. Another example might be programming left turn signals at intersections to lag, rather than lead, the green time for through traffic.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as long as Congestion Mitigation and Air Quality funds remain available. Recent projects include: 1 - Woodland / Carpenter to 9<sup>th</sup> Street; 2- Scenic and Oakdale; 3 – Pelandale Dale to Tully; and, 4 – Kansas Needham Overpass.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.9: Bus Pullouts in Curbs for Passenger Loading**

**Measure Description:** Provide bus pullouts in curbs, or queue jumper lanes for passenger loading and unloading in new areas.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** The City of Modesto operates a program to install bus pullouts in new development through the City's standard specifications for new development.

**Funding Allocated to Measure and Source:** This measure is to be paid from the Capital Facilities Fees program until such a time as the program is modified or discontinued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 5.13: Fewer Stop Signs**

**Measure Description:** Improve traffic flow by removing stop signs and implementing alternative intersection control devices such as roundabouts.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** This project is on-going as long as Congestion Mitigation and Air Quality funds remain available for utilization.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 7.16: Trip Reduction Oriented Development**

**Measure Description:** The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto's development pattern is well above average density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning and Community Development Department

**Implementation Schedule:** On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and "smart growth" development policies or standards that would result in trip reduction oriented development.

**Funding Allocated to Measure and Source:** No funding source was identified.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 7.18: Sustainable Development**

**Measure Description:** The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto's development pattern is well above average density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning and Community Development Department

**Implementation Schedule:** On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and "smart growth" development policies or standards that would result in trip reduction oriented development.

**Funding Allocated to Measure and Source:** No funding source has been identified for this measure.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 8.1: Financial Incentives, Including Zero Bus Fares**

**Measure Description:** Provide financial incentives or other benefits, such as free or subsidized bus passes and cash payments for not driving, in lieu of parking spaces for employees who do not drive to the workplace.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** The City of Modesto currently provides free rides to work for all of its employees and will continue this program subject to evaluation/termination during the meet and confer process with City employee representatives.

**Funding Allocated to Measure and Source:** Currently, this program is funded with Local Transportation Funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 8.3: Preferential Parking for Carpoolers**

**Measure Description:** Provide free, covered, near-building parking or similar incentives for carpoolers.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** The feasibility of this strategy at Tenth Street Place has been evaluated. This feasibility will be reviewed every 24 months.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 8.4: Credits and Incentives for Carpoolers**

**Measure Description:** Self-explanatory- form depends on locality.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** The feasibility of this strategy at Tenth Street Place has been evaluated. This feasibility will be reviewed every 24 months.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 9.2: Encouragement of Pedestrian Travel**

**Measure Description:** This measure involves the use of pedestrian travel as an alternative to automobile travel. Pedestrian travel is quite feasible for short shopping, business, or school trips. Promotion of pedestrian travel could be included in air pollution public awareness efforts to remind people of this basic alternative. The City of Modesto encourages pedestrian travel by providing Class I trails that connect neighborhoods with schools, shopping and employment centers. The planned 4.2-mile Virginia Corridor bike/pedestrian trail will be a major north-south artery connecting downtown Modesto with residential neighborhoods, schools, parks and commercial areas. Other Class I trails include the 3-mile Hetch-Hetchy Trail in north Modesto, the 5-mile Mensinger Trail along Dry Creek between downtown and Claus Road at the eastern limits of Modesto. The 3-mile Bev Kilpatrick Trail along the Tuolumne River provides a recreational walking experience and will ultimately connect to the downtown Modesto. The City also has plans for Class I trails along the irrigation canals within the city limits and for the entire river and creek system in Modesto.

**Responsible Agency for Implementation:** The City of Modesto Parks, Recreation and Neighborhood Department.

**Implementation Schedule:** The City's ongoing rideshare program that encourages alternative forms of transportation. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and "smart growth" development policies or standards that would result in pedestrian-oriented development. In addition the city's Parks, Recreation and Neighborhood Department has an ongoing program for the development of walking trails.

**Funding Allocated to Measure and Source:** The City of Modesto will continue its rideshare program so long as CMAQ funds are available for that purpose.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 9.3: Bicycle/Pedestrian program**

**Measure Description:** Fund high priority projects in countywide plans consistent with funding availability. The Parks Recreation and Neighborhoods Department is aggressively

seeking State and Federal funding for Class I trail construction of the trails listed above in ST 9.2. The Virginia Corridor Trail is a high priority project for funding within the next 5 years. All 11 miles of existing Class I trails and those that are planned are to be multi-user trails and will support walking, biking jogging and skating.

**Responsible Agency for Implementation:** City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and “smart growth” development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** Current funding includes Safe Routes to Schools funds for trail/street crossing improvements from College to Granger \$440,000 grant; \$44,000 City match; Proposition 40: \$350,000; Federal RSTP: \$400,000; State Bicycle Transportation Account (BTA): \$697,000 to apply toward construction from Orangeburg to College. Rotary Centennial Project: Donation of Labor and funds by Modesto's 5 Rotary Clubs, with a value of \$500,000 for construction from Roseburg to Orangeburg. Future funding may include CMAQ, LTF. All funding sources will be aggressively pursued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 9.5: Encouragement of Bicycle Travel**

**Measure Description:** Promotion of bicycle travel to reduce automobile use and improve air quality. Bikeway system planning routes for inter-city bike trips to help bicyclists avoid other, less safe facilities. Another area for potential actions is the development and distribution of educational materials, regarding bicycle use and safety.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** The City of Modesto will continue to hold the bike to work day and family cycling festival to encourage bicycle travel. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional “smart growth” development policies or standards that would result in neighborhood design to encourage connectivity, and linkages between residential and non-residential development to provide opportunities for non-motorized modes including bicycles.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality has been identified as a potential funding source.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 9.11: Safe Routes to School**

**Measure Description:** Continue to apply for grants to improve pedestrian and bicycle travel for school trips. The current Safe Routes to Schools grant monies will fund construction of intersection improvements along the Virginia Corridor Trail between College Avenue and Granger Avenue. The improvements will include L.E.D. lights in crosswalks at five street crossings, sidewalk, curb ramp and street light improvements and is to be constructed Summer, 2004. See item 9.2 for more detail on the Virginia Corridor. Other projects and will be considered for funding applications as opportunities come available.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering), City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** On-going as long as funding remains available. In 2004 the City of Modesto received \$698,798 of state department of transportation funds for a bicycle train along the Virginia Corridor. In 2003 \$294,000 was received from the state to pay for flashing-light crosswalks, curb ramps, streetlights and sidewalks at the trail crossings on the corridor.

**Funding Allocated to Measure and Source:** Potential funding sources for this measure include the Safe Routes to School Program and Congestion Mitigation and Air Quality funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 10.2: Bicycle Racks on Buses**

**Measure Description:** Bicycle racks have been placed on all urban buses to increase bicycle travel.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** All City of Modesto urban transit buses have bicycle racks on them. Bicycle racks will be added to new buses as long as Federal and State funding remains available for the purchase of buses.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality Funds as well as, Federal Transit Agency Section 5307 funds have been identified as potential funding sources.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 11.8: Ban Cruising during Ozone Alert Days**

**Measure Description:** Police enforced. Cruising is prohibited by ordinance in Modesto.

**Responsible Agency for Implementation:** City of Modesto Police Department

**Implementation Schedule:** On-going until such time as the measure is revisited/revoked.

**Funding Allocated to Measure and Source:** No specific funding source was identified.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 11.9: Discourage Drive-Thru's in new development**

**Measure Description:** Reduce the number of drive-thrus in new development or declare a moratorium on new development with drive-thrus until air quality standards are achieved.

**Responsible Agency for Implementation:** City of Modesto: Community and Economic Development Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and "smart growth" development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** No specific funding source was identified.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure ST 13.1: Alternative Work Schedules**

**Measure Description:** Where appropriate, based on work requirements and employee availability for customer service, consider and implement limited pilot projects for alternative work schedules.

**Responsible Agency for Implementation:** City of Modesto: Personnel, Engineering and Transportation Department, Modesto Police Department, Modesto Fire Department, Operations and Maintenance Department

**Implementation Schedule:** In labor negotiations, alternative work schedules are options in each of the bargaining unit memorandums of understanding. Based on these MOU's alternative work schedules are utilized in several departments and are based on work requirements, employee scheduling and the needs of the department.

Currently there are employees in many departments including Police, Fire, Engineering and Transportation and Operations and Maintenance Departments who work alternative work schedules. This has been worked through any pilot stage issues and are part of the normal business practices for the departments. In the future, when appropriate, the City of Modesto will consider looking at other options for alternative work schedule projects.

**Funding Allocated to Measure and Source:** Funding for alternative work schedules are not available. Alternative work schedules projects will only be able to be accomplished if they work within existing funding availability.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 13.5: Internet Commerce and Education**

**Measure Description:** Encourage the use of the Internet to conduct public and private business and education.

**Responsible Agency for Implementation:** Various City departments in coordination with the City's Information Services Department.

**Implementation Schedule:** Currently underway and on-going. Examples of City services available on the Internet are: business license forms, dog license applications, claim forms, personnel vacancy notices and applications forms, zoning maps and Assessor's plats, utility information, City Standard Design and Construction Specifications, City Council Agendas, staff reports and minutes, Council Committee Agendas, the Modesto Municipal Code, Parks and Recreation Department recreational activity registration forms, and complaint/comment/suggestion forms.

**Funding Allocated to Measure and Source:** These activities are supported by the General Fund and various Utility Enterprise Funds, as may be appropriate.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 14.3: Land Use/Development Alternatives**

**Measure Description:** This measure includes encouraging land use patterns which support public transit and other alternative modes of transportation. In general this measure would

also encourage land use patterns designed to reduce travel distances between related land uses (eg. Residential-commercial). Shorter trip lengths ultimately relieve traffic congestion and improve air quality. The Modesto General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto's development pattern is well above average for density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning Economic and Development Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing "neo-traditional" policies, or additional "smart growth" development policies and standards that would result in Specific Plan and neighborhood design to encourage connectivity and linkages between residential and non-residential uses and land-use patterns that would provide increased opportunities for non-motorized and alternative modes as well as reduce reliance on automobiles.

**Funding Allocated to Measure and Source:** No specific funding source was identified for this measure.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure Title: ST 15.2: Pedestrian and Bicycle Overpasses Where Safety Dictates**

**Measure Description:** On-going implementation as development occurs. One current project is the 9th Street Bridge that will have pedestrian sidewalks on either side of the bridge, with a fog stripe delineating a shoulder area for stalled vehicles. This shoulder is approximately 7.5 feet wide and could facilitate bicycle travel. The Specific Plan for the Virginia Corridor Trail project includes pedestrian bridge over crossings at three road crossings: Briggsmore Avenue, Standiford Avenue and Pelandale Avenue. The over crossings are considered essential over these roads due to the high-speed and high-volume of vehicle traffic they experience. A future pedestrian over crossing at the new Enochs High School has been identified as a specific project. Pedestrian and Bicycle safety necessitate these over crossings.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as funding is available. The Enochs High School over Crossing is funded through a combination of developer fees and school funding.

**Funding Allocated to Measure and Source:** Potential sources include developer funding, pedestrian safety funds and Congestion Mitigation and Air Quality funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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**Measure ST 17.15: Encourage the Purchase and Use of Alternative, Cleaner Vehicles.**

**Measure Description:** Encourage the purchase and use of alternative, cleaner vehicles in city operations where appropriate

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Modesto Police Department

**Implementation Schedule:** This project is on-going as long as funds are available for purchase and operations of the vehicles. Current projects include the addition of hybrid vehicles to the city fleet, purchase of hybrid buses for the transit fleet and purchase and operation of electric vehicles for police parking control.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

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## **Explanations for Non-Commitment to the 2004 Control Measures**

### **Measure ST 1.4: Mass Transit Alternatives**

The City of Modesto already operates a fixed route service as well as, a Dial-A-Ride service. As such, this measure is fiscally infeasible due to the expanded transit service already provided by the City of Modesto.

### **Measure ST 3.1: Commute Solutions**

This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

### **Measure ST 3.9: Encourage Merchants and Employers to Subsidize the Cost of Transit for Employees**

This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure.

### **Measure ST 5.16: Adaptive Traffic Signals and Signal Timings**

Modesto currently has deployed a closed loop system with flexibility to implement a traffic responsive mode. Conversion to an adaptive traffic signal system is not fiscally feasible for the City of Modesto to implement.

### **Measure ST 7.14: Incentives for Cities with Good Development Practices**

This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

### **Measure ST 7.15: Cash Incentives to Foster Jobs/Housing Balance**

This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

### **Measure ST 7.17: Transit Oriented Development**

While with the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing “neo-traditional” policies, or additional “smart growth” development policies and standards to encourage alternate land-use patterns, there are limited opportunities within the Modesto Urban Area to plan and construct a true Transit-Oriented Development (TOD). The Amtrak station and the downtown rail station/transit center are the major opportunities for planning a TOD in Modesto. Typically, TODs are developed along rail or major transportation corridors in larger Metro areas with in excess of a million in population to support the associated rail/light rail/express bus systems (e.g. Laguna West in Sacto). Nonetheless, the opportunity could be explored for a mixed-use TOD at the Village One Amtrak site with future proposals in that area.

**Measure ST 7.19: Establishment of Urban Growth Boundaries**

Effective establishment of urban growth boundaries can only be accomplished in a regional setting. In the upcoming General Plan Update the Council will consider additional “smart growth” development policies and alternate growth patterns. There will also be opportunity to explore alternate growth boundaries for the General Plan. The General Plan Update will provide an opportunity for Modesto to do its part in a regional effort by reexamining the Community Growth Policy process set forth in the General Plan including the potential for redefining or establishing Modesto’s permanent urban growth boundaries.

**Measure ST 8.2: Internet Ride Matching Services**

This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

**Measure ST 15.1: Encouragement of Pedestrian Travel**

This measure would be better served by implementation at the regional level through Commute Connection.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-217**

**A RESOLUTION ACCEPTING THE WORK BY RICHARD A. HEAPS ELECTRICAL CONTRACTOR, INC. FOR THE "REWIRE 8 TRAFFIC SIGNALS" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$133,059.80 PER THE CONTRACT**

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "Rewire 8 Traffic Signals" has been completed by Richard A. Heaps Electrical Contractor, Inc., in accordance with the contract agreement dated August 12, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Rewire 8 Traffic Signals" project be accepted from said contractor, Richard A. Heaps Electrical Contractor, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$133,059.80 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-218**

**A RESOLUTION ACCEPTING THE WORK BY D. A. WOOD CONSTRUCTION, INC., FOR THE “VARIOUS BORING AND JACKING FOR WATERLINES UNDER M&ET RAILROAD TRACKS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$325,020 PER THE CONTRACT**

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled “Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks” has been completed by D. A. Wood Construction, Inc., in accordance with the contract agreement dated October 28, 2003.

NOW, THEREFORE, BE IT RESOLVED that the “Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks” project be accepted from said contractor, D. A. Wood Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$325,020 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-219**

**A RESOLUTION ACCEPTING THE WORK BY WESTERN STATES  
SURFACING, INC. FOR THE "2003 SLURRY AND CAPE SEALS" PROJECT  
AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF  
COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE  
TOTALING \$2,244,433.34 PER THE CONTRACT**

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "2003 Slurry and Cape Seals" has been completed by Western States Surfacing, Inc., in accordance with the contract agreement dated June 10, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "2003 Slurry and Cape Seals" project be accepted from said contractor, Western States Surfacing, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$2,244,433.34 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-220**

**A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH STANTEC CONSULTING, INC., FOR ADDITIONAL ENGINEERING DESIGN SERVICES IN THE AMOUNT OF \$39,821, FOR THE PROJECT TITLED "REPLACEMENT OF THE ROSE/CELESTE SEWAGE LIFT STATION," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT, INCREASING THE TOTAL ESTIMATED COST OF THE SERVICES TO \$239,501**

WHEREAS, the Operations and Maintenance Department has determined that an additional pressure discharge pipeline from the Rose/Celeste Sanitary Sewer Lift Station to the discharge manhole is necessary, and

WHEREAS, the redundant pipeline is required because of the length of the pipeline and the necessity to maintain a high reliability of the output of the lift station, and

WHEREAS, the reliability of the output of the lift station is necessary because of the 24-hour-a-day nature of the institutional use of the sewage system in that area, and

WHEREAS, the Acting Engineering & Transportation Director has recommended accepting the proposal of Stantec Consulting, Inc., for additional design services in an amount not to exceed \$39,821,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement for additional engineering design services for the project titled "Rose/Celeste Lift Station" to Stantec Consulting, Inc., in an amount not to exceed \$39,821.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-221**

**A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION  
(SCH #2003062058) FOR THE SHACKELFORD AREA SANITARY SEWER  
CROSSING IN THE CITY OF MODESTO AT THE TUOLUMNE RIVER**

WHEREAS, Section 15064 (f)(2) of the CEQA Guidelines relating to Initial Study/Mitigated Negative Declarations permits a lead agency to prepare an Initial Study/Mitigated Negative Declaration on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, ESA Associates, Inc., under contract with the City, prepared an Initial Study leading to a Mitigated Negative Declaration (SCH #2003062058) which reviewed the proposed Shackelford Area Sanitary Sewer Crossing Project and said Initial Study identified potential significant effects from the proposed project relating to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and

WHEREAS, feasible mitigation measures were incorporated to revise the subsequent project before the Initial Study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effect on the environment will occur, and

WHEREAS, CEQA Guidelines Section 15070 permits the adoption of Mitigated Negative Declarations when the project has been revised, so that potential significant adverse effects can be avoided or mitigated to a less than significant level.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared for the Shackelford Sewer Crossing Project, a copy of which is on file in the City Clerk's Office, and based on the substantial evidence included in said Mitigated Negative Declaration makes the following findings:

1. An Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 15064 (f)(2) has identified potential significant environmental effects from the proposed project relating to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality.

Potential Significant Environmental Effects:

Biological Resources

- a. Candidate, sensitive, or special status species
- b. Federally protected wetlands
- c. Movement of fish or wildlife species

Cultural Resources

- a. Historical resource
- b. Archaeological resource
- c. Paleontological Resource
- d. Human Remains

Geology and Soils

- a. Exposure to adverse effects
- b. Landslides

Hazards and Hazardous Materials

- a. Hazardous materials release
- b. Hazardous materials sites

Hydrology and Water Quality

- a. Water quality standards
- b. Deplete groundwater supplies
- c. Existing drainage pattern
- d. Exposure to flooding

2. Feasible mitigation measures were incorporated to revise the project before the Mitigated Negative Declaration and Initial Study was released for public review in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

The City's Community Development Department and Engineering and Transportation Department reviewed the proposed project and determined the mitigation measures below will address the identified impacts.

The 30-day public review period began on June 10, 2003 and ended on July 10, 2003. Following Public Review, there were no suggested technical revisions to be made to the mitigation document to clarify and amplify the efficiency of the mitigation. Therefore, the revised mitigation will avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

Mitigation:

The following mitigation measures summarized below (see Attachment A for detailed mitigation measures) will avoid or mitigate adverse effects:

Biological Resources

- a. Mitigation Measure BIO-1 – Valley Elderberry Longhorn Beetle: Avoid habitat whenever possible. Transplant elderberry shrubs. Provide habitat for the beetle in perpetuity.
- b. Mitigation Measure BIO-2 – Nesting Raptors and California Species of Special Concern: Survey nesting areas within 500' of the construction site, two weeks in advance.
- c. Mitigation Measure BIO-3 – Special Status Fish: Stream Sedimentation and Habitat alteration will be minimized. Fish barriers, entrainment or stranding will be avoided.
- d. Mitigation Measure BIO-4 – Special Status Reptiles: Barrier fencing shall be installed around the proposed project construction area.
- e. Mitigation Measure BIO-5 – Timing: Confine work in streams, wetlands to the dry season between July 1 and October 15.

Cultural Resources

- a. Mitigation Measure CUL-1: If any prehistoric or historic cultural resource is discovered, all work within 50 feet shall be halted until consultation with a qualified archaeologist is complete.
- b. Mitigation Measure CUL-2: A qualified paleontologist shall be notified in the event of an unanticipated discovery.
- c. In the event of the discovery of human remains, the City shall adhere to CEQA Guidelines Section 15064.5 (e)(1) by contacting the county coroner and the Native American Heritage Commission if the

person is believed to be a deceased Native American.

#### Geology and Soils

- a. Mitigation Measure GEO-1: The contractor shall implement the recommendations of the Geotechnical Report as related to excavation slopes, shoring, bracing, pipe bedding and backfill.

#### Hazards and Hazardous Materials

- a. Mitigation Measure HAZARDS-1: All construction-related hazardous materials shall be transported and stored in a manner consistent with relevant regulations and guidelines.
- b. Mitigation Measure HAZARDS-2: Contractor shall immediately control any leak or spill.
- c. Mitigation Measure HAZARDS-3: If contamination is encountered, work shall be halted, contamination identified, and removal consistent with the appropriate regulatory agencies.

#### Hydrology and Water Quality

- a. Mitigation Measure HYDRO-1: The project is required to minimize the exposure of sediments to runoff, implement Best Management Practices that provide erosion and sediment control, insert a copy of the Regional Water Quality Control Board and NPDES permit as a part of the construction contract.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to PRC Section 21157.5 for the proposed Shackelford Area Sanitary Sewer Crossing project.
5. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will therefore be adopted.

6. The cumulative impacts of this project are consistent with those set forth in the Wastewater Master Plan Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.
7. As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (see Exhibit A) will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

Therefore, pursuant to CEQA Guidelines Section 15070, a Mitigated Negative Declaration should be adopted for this project.

A copy of said Mitigated Negative Declaration (SCH NO. 2003062058) is on file with the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 – 222**

**A RESOLUTION APPROVING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF TRANSPORTATION FOR A SMALL COMMUNITY AIR SERVICE PROGRAM GRANT IN THE AMOUNT OF \$565,200 FOR AN AIRLINES STARTUP INCENTIVE PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY**

WHEREAS, the Federal Department of Transportation (DOT) has called for the submission of applications for a Small Community Air Service Program Grant not later than May 14, 2004, and

WHEREAS, communities that will be considered eligible for funding must either have insufficient air service or have unreasonably high airfares, and

WHEREAS, the Modesto City-County Airport meets the Department of Transportation's definition of a small community that is lacking adequate air service and has unreasonably high airfares, and

WHEREAS, the City applied for a similar grant in 2003 and was unsuccessful in securing a grant at that time, and

WHEREAS, the DOT is encouraging communities such as Modesto who were not awarded grants in 2003 to resubmit their grant applications in 2004, and

WHEREAS, staff has prepared an application that encourages the participation of a public-private consortium of market area businesses and organizations in the program should the City be awarded a grant by DOT, and

WHEREAS, the application recommends a Regional Carrier to provide daily direct service from Modesto to Los Angeles International Airport, and

WHEREAS, the Council's Economic Development Committee considered the recommendation to submit an application for \$565,200 to the DOT and endorsed the recommendation at their April 7, 2004 meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a grant application for \$565,200 to the DOT for the Small Community Air Service Program.

BE IT FURTHER RESOLVED that Council authorizes the City Manager, or his designee, to execute the application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of April, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carrier and the resolution adopted by the following vote:

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

NOES: Councilmember: None

ABSENT: Councilmember: Hawn

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -223**

**A RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF \$500,000 FOR THE PREPARATION OF AN ENVIRONMENTAL DOCUMENT AND APPROVAL PROCESS FOR THE AIRPORT MASTER PLAN 2002, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY**

WHEREAS, the City of Modesto contracted with Coffman Associates in December 2001 to prepare a 20-year Master Plan for the Modesto City-County Airport, and

WHEREAS, a part of Coffman's scope of work included the preparation of an Initial Study to determine the extent of studies and documentation needed to clear the Master Plan from an environmental standpoint, and

WHEREAS, said Initial Study is at such a stage that it is clear that preparation and approval of both Federal and State environmental documents will be required as a part of the Master Plan process, and

WHEREAS, the preparation and approval of the Federal portion of said environmental documents are eligible for Federal participation through Grants administered by the Federal Aviation Administration (FAA), and

WHEREAS, the City of Modesto is required to prepare and submit an Application for Federal Assistance to the FAA in order to receive a Grant Offer for reimbursement of expenditures associated with the preparation and approval of the environmental documents, and

WHEREAS, the Council' Economic Development Committee considered the recommendation to submit an Application for \$500,000 to the FAA and endorsed the recommendation at their April 7, 2004 meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting an Application for \$500,000 to the FAA for the preparation and approval of environmental documentation associated with the Airport Master Plan 2002.

BE IT FURTHER RESOLVED that Council authorizes the City Manager to execute the Application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-224**

**A RESOLUTION APPROVING A REFUND OF MIL TAXES TO ALLCARE IN THE AMOUNT OF \$23,686.86 DUE TO APPORTIONMENT AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO PROCESS SAID REFUND.**

WHEREAS, by Resolution No. 2003-501, adopted by the City council on September 23, 2003, the City adopted Business License Tax Apportionment Guidelines pursuant to Section 6-1.436 of the Modesto Municipal Code, and

WHEREAS, on the basis of said Apportionment Guidelines, AllCare has submitted a request for business license tax refund for the period from January 1, 2002, to September 30, 2003, and

WHEREAS, the City Finance Department has verified said refund, and

WHEREAS, the Modesto City Council is required to approve all refunds of more than \$5000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a refund in the amount of \$23,686.86 to AllCare.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to process said refund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-225**

**A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR  
PROFESSIONAL SERVICES WITH DECISION POINT ANALYTICS, INC.,  
AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID  
AMENDMENT**

WHEREAS, on January 5, 2004, the City of Modesto entered into an Agreement for Professional Services with Decision Point Analytics, Inc., for a not-to-exceed amount of \$50,000, and

WHEREAS, the City has determined that additional services will be needed after the expiration of the original Agreement, and

WHEREAS, all contracts over the amount of \$50,000, are required to be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to Agreement for Professional Services with Decision Point Analytics, Inc. in the form attached hereto is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
SCOPE OF SERVICES

Project Goal

To assist the Finance Director in the planning and execution of the 2004-05 annual budget process.

Tasks & Deliverables

1. Design the overall outline of the 2004-05 annual budget process and calendar, subject to the approval of the Finance Director and City Manager.

Deliverable(s): Decision memos authorizing the budget process outline, decision procedures, and key definitions for submission to the City Manager.

2. Plan the implementation of the process, once approved by the City Manager. Work with city budget staff to define concrete processes and procedures needed to carry out the process design. Revise forms used for decision packages and other submissions within the budget process.

Deliverable(s): Updated annual budget manual, suitable for distribution to city staff. Updated forms.

3. Redesign materials to be presented to the City Council including the City Manager's Recommended Operating Budget document. Meet with department managers to solicit input regarding budget document contents and format. Develop software to generate documents from data extracted from the City's BRASS system.

Deliverable(s): Budget document design memo, outlining the proposed design for the document and any related materials. Document generating software application, capable of generating applicable sections of the document(s) from data extracted from BRASS. Redesign, develop, complete, produce and deliver the Fiscal Year 2005 operating budget document to be adopted by Council in June 2004.

4. Targeted analysis of Employee Benefit Fund (EBF). Review the condition of the EBF, including audit results, the City's actuarial studies, and current reserving policies. Develop a proposed reserve policy for the future, including the effect of the proposed policy on the 2004-05 annual budget.

Deliverable(s): Analysis memo, presenting the results of the analysis and explaining the proposed future policy. Decision memo summarizing the analysis and presenting the proposed policy for ratification by the City Manager. Budget impact data, suitable for loading into BRASS for the 2004-05 annual budget.

5. Redevelopment Agency review. Review the condition of the Redevelopment Agency.

Deliverable(s): Analysis memo, presenting results of the review.

6. Fleet Fund review. Review the financial status of the fleet fund, fleet capital replacement plans and cash-flow projections, as well as equipment replacement rate calculation methodology. Recommend a reserve level policy and a replacement rate calculation methodology for the future, and identify the results for the 2004-05 budget.

Deliverable(s): Analysis memo, presenting the results of the analysis and explaining the recommended policy and calculation methodology. Decision memo, summarizing the proposed policy for ratification by the City Manager. Budget impact data, suitable for loading into BRASS for the 2004-05 annual budget.

EXHIBIT A  
ADDITIONAL SCOPE OF SERVICES

7. Evaluation of the City's Capital Improvement Projects.

Deliverable(s): Analysis memo presenting the results of the evaluation. The memo will identify the projects to be closed, proposed future expenditures for projects in progress, and new projects for Council consideration.

8. Redesign, development and completion of the Capital Improvement Program budget to be adopted by Council in September 2004.

Deliverable(s): Revised CIP budget document with analysis memo describing the procedures for opening, amending and closing CIP projects. Complete and develop Capital Improvement Program budget for Fiscal Year 2005.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-226**

**ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) CATERPILLAR 420D BACKHOE UNDER THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES, CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) CONTRACT FROM HOLT OF CALIFORNIA OF STOCKTON, CA. FOR A TOTAL ESTIMATED COST OF \$70,029.19.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of a Caterpillar 420D backhoe, and

WHEREAS, the new storm water basins are larger and require a higher level of maintenance, which can be performed by the Caterpillar 420D backhoe, and

WHEREAS, this additional backhoe will be used by the maintenance crews, and

WHEREAS, CFD funds are being made available for the City to perform maintenance, and

WHEREAS, the estimated cost of a new Caterpillar 420D backhoe purchased under a California Multiple Award Schedule (CMAS), General Service Administration Statewide pricing contract is \$70,029.19, and

WHEREAS, the estimated State Service Charge for using the CMAS contract is \$1,258.73, and

WHEREAS, purchasing the equipment from Holt of California under the CMAS contract will allow the City to receive the lowest possible price for this piece of industrial equipment, and

WHEREAS, Holt of California, Stockton, CA. is the closest authorized dealer for this equipment, and there are no local vendors authorized to sell this piece of industrial equipment, and

WHEREAS, the estimated total cost of this purchase is \$70,029.19, and

WHEREAS, the Modesto Municipal Code (MMC) generally requires all purchases exceeding \$50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, Modesto Municipal Code Section 8-3.204(d) allows the Purchasing Supervisor to determine that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, piggybacking off the State of California Multiple Award Schedule (CMAS) will achieve the lowest cost at the desired quality, and

WHEREAS, at its meeting on August 13, 2003, the Finance Committee authorized City staff to take this same requirement purchase to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to purchase of a Caterpillar 420D backhoe from Holt of California under the CMAS statewide pricing contract for a total estimated cost of \$70,029.19.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-227**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR SEVEN (7) NEW, CURRENT YEAR/MODEL ¾ TON TRUCKS TO THE FOLLOWING VENDORS: HERITAGE FORD OF MODESTO, CA. FOR FIVE (5) NEW, CURRENT YEAR/MODEL ¾ TON TRUCKS IN THE APPROXIMATE AMOUNT OF \$104,481, AND TO AMERICAN CHEVROLET OF MODESTO, CA. FOR TWO (2) NEW, CURRENT YEAR/MODEL ¾ TON TRUCKS IN THE APPROXIMATE AMOUNT OF \$52,087. THE TOTAL APPROXIMATE PURCHASE AMOUNT FOR ALL SEVEN (7) NEW, CURRENT YEAR/MODEL ¾ TON TRUCKS IS \$156,568.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of seven (7) new, current year/model ¾ ton trucks, and

WHEREAS, Resolution No. 2004-116 authorized the Purchasing Supervisor to solicit Request for Bid (RFB) for four (4) new, current year/model ¾ ton trucks, and

WHEREAS, three (3) additional new, current year/model ¾ ton trucks were requested by Fleet Services and added to the RFB for a total of seven (7) new, current year/model ¾ ton trucks, and

WHEREAS, seven (7) of the new, current/model year trucks are additional trucks to the fleet, and

WHEREAS, three (3) of the trucks will be used by Water Division field crews in the construction and maintenance of the City's water system, and

WHEREAS, three (3) of the trucks will be used by the Wastewater Division in the maintenance of the City's wastewater system, and

WHEREAS, one (1) truck will be used by the Composting operations, and

WHEREAS, out of seven (7) vendors solicited, five (5) responded to the RFB, and

WHEREAS, Heritage Ford of Modesto, CA. is the lowest responsive and responsible bidder for five (5) new, current year/model ¾ ton trucks in the approximate amount of \$104,481, and

WHEREAS, American Chevrolet of Modesto, CA. is the lowest responsive and responsible bidder for two (2) new, current year/model trucks in the approximate amount of \$52,087, and

WHEREAS, the combined estimated total cost of all seven (7) new, current year/model ¾ ton trucks is \$156,568, and

WHEREAS, on January 26, 2004 the Finance Committee recommended taking the request for authorization to award the bid for the seven (7) new, current year/model trucks to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for a total of seven (7) new, current year/model ¾ ton trucks to the following vendors:

Heritage Ford of Modesto, CA. for five (5) new, current year/model ¾ ton current year trucks in the approximate amount of \$104,481, and American Chevrolet of Modesto CA., for two (2) new, current year/model ¾ ton trucks in the approximate amount of \$52,087. The approximate total purchase amount for the seven (7) new, current year/model ¾ ton trucks is \$156,568.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue purchase orders for the seven (7) new, current year/model ¾ ton trucks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-228**

**A RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR SPOILS REMOVAL SERVICES TO ON GRADE CONTRACTING OF JAMESTOWN, CA. FOR AN INITIAL ONE-YEAR PERIOD, WITH THE OPTION OF FOUR (4) ADDITIONAL, ONE-YEAR CONTRACT EXTENSIONS FOR AN APPROXIMATE ANNUAL AMOUNT OF \$240,000.**

WHEREAS, the Operations and Maintenance Department-Water Division and Wastewater Collection has requested the purchase of spoils removal services, and

WHEREAS, the spoils removal service contractor would remove dirt, mud, asphalt, and other debris related to various maintenance and construction activities, and

WHEREAS, this activity affects a number of work areas in the Department, and

WHEREAS, the Wastewater Collections Division generates spoils from rockwell maintenance, and

WHEREAS, the Water Operations Division is a large generator of spoils, and

WHEREAS, spoils materials are generated each time staff repairs a water leak, installs a new water line, or renews a water service, and

WHEREAS, if left along the roadside the spoil materials become an eyesore within the community as well as an attractive nuisance with potential liability concerns for the City, and

WHEREAS, one of the benefits of removing spoils is that the material may be recycled into other products used in construction projects, and

WHEREAS, recycling keeps the materials out of landfills and out of the waste stream, and

WHEREAS, it is estimated that the City as a whole generates approximately 20,000 tons annually in spoils, and

WHEREAS, Resolution 2004-117 rejected proposals received on January 6, 2004, and

WHEREAS, Resolution 2004-117 authorized the rebid of proposals for spoils removal services, and

WHEREAS, out of nine (9) vendors solicited, two (2) responded to the RFP, and

WHEREAS, an evaluation committee consisting of Operations and Maintenance and Purchasing Division staff evaluated proposals for spoils removal services per evaluation criteria as defined per Specification 0304-17, Section 2.6, and

WHEREAS, based on a total RFP evaluation score, On Grade Contracting of Jamestown, CA. is the lowest responsive and responsible proposer for spoils removal services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for spoils removal services to On Grade Contracting of Jamestown, CA. for an initial one-year period, with the option of four (4) additional, one-year contract extensions for an estimated annual amount of \$240,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

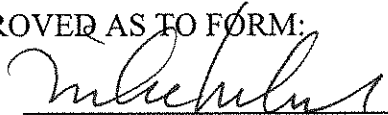
ABSENT: Councilmembers Hawn

ATTEST:

  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-229**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR SIXTEEN (16), 2004 FORD CROWN VICTORIA, CHP CLASS "E" PATROL SEDANS TO HERITAGE FORD OF MODESTO, CA. FOR A TOTAL ESTIMATED COST OF \$410,714.34.**

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of sixteen (16), 2004 Ford Crown Victoria, CHP Class "E" patrol sedans, and

WHEREAS, on August 26, 2002 the Finance Committee recommended that Fleet Services identify critical equipment and vehicles for Council approval, and bring those requests forward on an as needed basis, and

WHEREAS, the Ford Crown Victoria, CHP Class "E" patrol sedan is the standard that has been developed for the City's patrol sedans, and

WHEREAS, delivery of these vehicles will be coordinated to coincide with the lifecycles of the current patrol fleet in order to meet the replacement needs over the next twelve (12) months, and

WHEREAS, Resolution 2004-120 authorized the Purchasing Division to solicit formal bids for sixteen (16), 2004 Ford Crown Victoria, CHP Class "E" patrol sedans, and

WHEREAS, out of twenty-six (26) vendors solicited, eight (8) responded to the RFB, and

WHEREAS, Heritage Ford of Modesto, CA., was determined to be the lowest responsive and responsible bidder, and

WHEREAS, the City's two (2) percent vendor preference was a factor in determining the lowest responsive and responsible bidder for patrol sedans, and

WHEREAS, on February 23, 2004, the Finance Committee recommended taking this request for authorization to purchase said vehicles to the full Council for approval, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for sixteen (16), 2004 Ford Crown Victoria, CHP Class "E" patrol sedans to Heritage Ford of Modesto, CA. for an estimated total cost of \$410,714.34.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a purchase order for (16), 2004 Ford Crown Victoria, CHP Class "E" patrol sedans to Heritage Ford of Modesto, CA. for a total estimated cost of \$410,714.34.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-230**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD POLICE FACILITIES COORDINATOR AT RANGE 424.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding). Resolution No. 2003-178 effective April 8, 2003, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes effective April 27, 2004", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the "exempt" classification of Police Facilities Coordinator at Salary Range 424 .

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 27, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective April 27, 2004

RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Senior Administrative Office Assistant (Confidential) Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary (Represented) Legal Services Technician Systems Technician

---

RANGE	TITLE
421	
422	Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I
423	Custodian Supervisor
424	Assistant Planner Buyer <b>Police Facilities Coordinator</b>
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	Accountant II (Represented) Customer Services Specialist Senior Buyer
429	
430	Associate Planner Community Services Supervisor Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Geographic Information Systems Analyst Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist Systems Analyst

RANGE      TITLE

---

- 432    Communications Specialist  
      Customer Services Supervisor  
      Neighborhood Preservation Supervisor  
      Operations and Maintenance Supervisor  
      Recreation Supervisor II  
      Senior Accountant  
      Water Quality Control Maintenance Supervisor  
      Water Quality Control Operations Supervisor  
      Youth Program Supervisor
  
- 433    Organizational Development Specialist
  
- 434    Arborist  
      Assistant Civil Engineer  
      Assistant Traffic Engineer  
      Budget Analyst II  
      Electrical Supervisor  
      Events Supervisor II  
      Geographic Information Systems Coordinator  
      Laboratory & Environmental Monitoring Supervisor  
      Operations Supervisor  
      Regulatory Compliance Supervisor  
      SCADA Supervisor  
      Senior Housing Rehabilitation Specialist  
      Senior Programmer Analyst
  
- 435    Business Analyst  
      Cultural Services Manager  
      Integrated Waste Specialist  
      Management Analyst  
      Senior Personnel Analyst
  
- 436    Senior Planner
  
- 437

RANGE      TITLE

---

- 438    Budget Officer  
      Communications and Marketing Manager  
      Development and Operations Coordinator  
      Financial/Investment Officer  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      Systems Engineer  
      Transportation Planner
- 439    Administrative Services Officer  
      Community Facilities Districts Administrative Officer
- 440    Associate Civil Engineer  
      Associate Traffic Engineer
- 441    Airport Manager  
      Building Maintenance Superintendent  
      Fire Marshal  
      Fleet Manager  
      Golf Services Manager  
      Parks Operations Superintendent  
      Parks Planning and Development Manager  
      Police Records Manager  
      Recreation Superintendent  
      Solid Waste Program Manager  
      Streets Engineer  
      Transit Manager  
      Urban Forestry Superintendent  
      Wastewater Collections Superintendent  
      Water Superintendent
- 442    Customer Services Division Manager  
      Information Services Manager  
      Manager of Budget and Financial Analysis  
      Supervising Building Inspector  
      Supervising Construction Inspector

443

RANGE      TITLE

---

444    Business Development Manager  
      Deputy Chief Building Official  
      General Services Manager  
      Principal Planner

445    Accounting Division Manager  
      Housing and Neighborhoods Division Manager

446    Water Quality Control Superintendent

447    Business Development Division Manager  
      Chief Building Official  
      Planning Division Manager  
      Senior Civil Engineer  
      Traffic Engineer

448

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-231**

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

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

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

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

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Police Facilities Coordinator

The job specification for this classification is being created as a result of the need for a new job specification as part of a job audit. The specification for the classification of Police Facilities Coordinator, as shown on the attached **Exhibit "A,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 27, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers	None
ABSENT:	Councilmembers	Hawn

ATTEST: *Jean Zahr*  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Michael D. Milich*  
MICHAEL D. MILICH, City Attorney

No. 3793

APRIL 2004

## POLICE FACILITIES COORDINATOR

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

### DEFINITION

To facilitate a variety of activities related to the operation, maintenance, repair and reconstruction of department facilities, infrastructure, equipment and grounds; to administer various service contracts for janitorial, landscaping, heating and air conditioning for police facilities; to provide related administrative support to management staff and to coordinate the execution of construction projects related to the physical environment in police facilities to enhance the delivery of police services.

### SUPERVISION RECEIVED AND EXERCISED

Receives supervision from the Support Division Commander and Information Services Lieutenant.

May exercise functional supervision over assigned staff and contractors involved in various projects.

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

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

Determine facilities/equipment needs, prepare cost estimates, direct and recommend the purchase of materials, both new and replacement equipment; prepare price, quality and value comparisons in the evaluation of bids, materials, services and equipment needs; and provide for contractual services.

Monitor all aspects of property management including lease/operating agreements of the department.

Review division operations and recommend/implement efficient cost saving measures and improvements; assist in the development of policies and procedures in assigned area.

Requisition supplies and materials; maintain time, material and equipment use records in accordance with departmental policies and accepted standards; monitor and control expenditures.

Keep current on laws, regulations, principles and practices of facilities management and purchasing.

May prepare equipment, materials and services specifications and other necessary documents related to assigned area of responsibility.

Arrange for special event production needs including equipment and rentals; schedule and coordinate the set-up and teardown of equipment for special events.

Review, inspect and submit requests for work involving the operation, maintenance, repair and reconstruction of department facilities, infrastructure, equipment and grounds.

Prepare various reports on operations and assigned work activities.

Coordinate maintenance and service contracts and maintain liaison between service providers and contractors and the appropriate operating department.

Issue keys and electronic security access cards; maintain records for these systems.

Marginal Functions:

Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Principles and practices of purchasing operation, including the writing and interpretation of specifications.

Commerical plan review procedures, including reading and interpreting blueprints and/or drawings.

Materials, methods, practices, equipment and elements of construction supplies and equipment used in facilities construction, maintenance and repair.

Procedures and equipment typically used in the provision of police services.

Safe work practices; regulatory safety programs and procedures.

Modern office procedures, methods and practices including the use of a variety of office equipment.

Ability to:

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

Identify and implement effective courses of action to complete assigned work.

Evaluate the quality and price of product and services and judge the suitability and alternatives offered.

Maintain accurate records and controls.

Coordinate work assignments with other divisions, departments, contractors and service providers.

Use modern office equipment and a personal computer.

Communicate effectively, both orally and in writing.

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

Experience and Training Guidelines:

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

Experience:

Two years of increasingly responsible experience related to facilities management and/or the purchasing of services and materials. Experience in a law enforcement environment is desirable.

Training:

High school equivalent supplemented by college coursework or formal training with emphasis in business administration, purchasing, materials management or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site-to-site;

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting and standing for prolonged periods of time; operating a personal computer and a motor vehicle.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-232**

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

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

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

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

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

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

1. Arborist
2. Assistant To City Manger
3. Assistant to the Events Coordinator
4. Business Development Manager
5. Communications & Marketing Manager
6. Customer Services Specialist
7. Financial/Investment Officer
8. General Services Manager

9. Golf Services Manager
10. Housing & Neighborhoods Division Manager
11. Maintenance Aide
12. Meter Reader Crewleader
13. Police Records Manager
14. Police Training & Records Technician (confidential)
15. Senior Personnel Clerk
16. Social Services Program Supervisor
17. Youth Program Supervisor

Said classifications are being deleted as they are no longer used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after April 27, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-233**

**A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO  
URBAN AREA GENERAL PLAN TO UPDATE THE HOUSING ELEMENT  
(CITY OF MODESTO)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto re-certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, a General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", was adopted by the City Council by Resolution No. 95-409, on August 15, 1995, in accordance with Section 65300 of the Government Code, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, and 2003-122, copies of which are on file in the office of the City Clerk, and

WHEREAS, the City of Modesto's existing Housing Element was adopted in 1992, by Council Resolution 92-273, on May 19, 1992, and was prepared and adopted pursuant to State law at that time, and

WHEREAS, Article 10.6 of the State of California Government Code requires each local government to the review its Housing Element periodically and to revise its Housing Element not less than every five years, or as amended by State law, and

WHEREAS, Government Code Section 65588 (e) requires that the City of Modesto adopt an updated Housing Element by December 31, 2003, and

WHEREAS, the Housing Element is a statement of current housing needs in the Modesto Urban Area and sets forth probable solutions and housing goals for such urban area, and

WHEREAS, the City of Modesto prepared an Initial Study EA/C&ED 2003-54 on the Housing Element Update, in accordance with the California Environmental Quality Act and determined that this project is within the scope of the City Modesto Master EIR (State Clearinghouse No. 199908041) approved earlier, and the Master EIR adequately describes the activity for the purposes of CEQA, and

WHEREAS, City Staff invited citizen participation in the preparation and review of the Housing Element from June 2002 through June 2003, including two joint Planning Commission and City Council workshops, three neighborhood meetings, and a series of public workshops held by the ad hoc Housing Element Advisory Committee, and

WHEREAS, on February 18, 2004, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Modesto Urban Area General Plan was considered, and

WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2004-09, recommending to the City Council an amendment to the Modesto Urban Area General Plan by updating the Housing Element, and

WHEREAS, Government Code Section 65358, permits the amendment of General Plans by the legislative body up to four times per year, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 9, 2004 and continued to April 27, 2004, at 5:30 p.m., in the Tenth Street

Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Housing Element Update, and

WHEREAS, the City Council finds that the 2003 Draft Housing Element update to the Modesto Urban Area General Plan would be in the interest of the general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan by amending the Housing Element is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Council determines the following:

SECTION 1: The City Council finds that the 2003-2008 Housing Element is consistent with the Modesto Urban Area General Plan.

SECTION 2: The City Council adopts the update of Housing Element of the Modesto Urban Area General Plan, to replace the existing Housing Element of the Modesto Urban Area General Plan, dated May 1992, for the following reasons:

- a. The State Legislature has mandated that all cities and counties include an updated Housing Element in their adopted local General Plans (Section 65580-65589.8) and;
- b. The Draft Housing Element guides residential development and preservation in a manner that supports the overall economic and social values of the community and;
- c. The Housing Element update to the Modesto Urban Area General Plan is in the interest of the general welfare of the Community because it updates and expands the goals, policies and programs to provide affordable housing to the citizens.

SECTION 3: The City Council further rescinds City Council Resolution 92-273, which was adopted on May 19, 1992, and updated the Housing Element of the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the General Plan to the Board of Supervisors, and file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby adopts the proposed amendment to the General Plan, which is attached as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn, O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

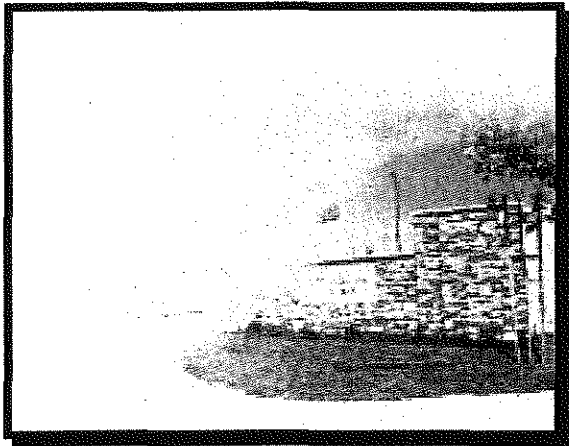
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**URBAN AREA GENERAL PLAN AMENDMENT**  
**2003 Housing Element Update**

# City of Modesto Housing Element (2003-2008)

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*Final Draft*



April 27, 2004



## **Acknowledgements**

### Modesto City Council

Mayor Jim Ridenour

Vice Mayor Janice Keating

Council Member Bob Dunbar

Council Member Brad Hawn

Council Member Denny Jackman

Council Member Garrad Marsh

Council Member Will O'Bryant

### Modesto Planning Commission

Chair Alita Roberts

Vice Chair Kent Newswander

Commissioner Ray Feller

Commissioner Joe Gardella

Commissioner Andrew Mendlin

Commissioner Michael Pratt

### Housing Element Advisory Committee

Council Member & Committee Chair Denny Jackman

Council Member & Committee Vice Chair Tim Fisher

Planning Commissioner Alita Roberts

Planning Commissioner Ray Feller

Citizens Redevelopment Advisory Committee Member Lee Hedgepeth

Citizens Housing and Community Development Committee Member Chris Harrigfeld

### City Staff

Jack R. Crist, City Manager

George W. Britton, Deputy City Manager

Jean Zahr, City Clerk

Brad L. Kilger, Director of Community & Economic Development Department

George T. Osner, Planning Division Manager

Linda C. Boston, Business Development Division Manager

Michael D. Milich, City Attorney

James E. Niskanen Director, Parks, Recreation and Neighborhoods Department

Julie Hannon, Deputy Director, Parks, Recreation and Neighborhoods Department

Jack R. Bond, Senior Civil Engineer

Robert H. Beckler, GIS Coordinator

Teri Owen-Durant, GIS Analyst

Nancy Angle, Administrative Office Assistant III

Lorraine Patton, Administrative Office Assistant II

Micahlynn Rivera, Website design

### City Staff with Primary Oversight of the Project Included:

Patrick J. Kelly, Principal Planner

Miguel A. Galvez, Senior Planner

Carol Averell, Senior Community Development Program Specialist

Alison Barratt-Green, Senior Deputy City Attorney

Veronica Tam, Principal, Cotton Bridges Associates

# **City of Modesto Housing Element (2003-2008)**

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*Final Draft*

Community and Economic Development Department  
Planning Division  
Suite 3300  
1010 Tenth Street  
Modesto, CA 95354  
(209) 577-5267

[www.ci.modesto.ca.us](http://www.ci.modesto.ca.us)

# City of Modesto 2003-2008 Housing Element

## Table of Contents

	<b>Section</b>	<b>Page</b>
1.	<b>INTRODUCTION</b>	
	A. Community Context.....	1-1
	B. State Policy and Authorization .....	1-2
	C. Role of the Housing Element.....	1-2
	D. Data Sources .....	1-4
	E. Relationship to the Modesto Urban Area General Plan.....	1-4
	F. Community Involvement.....	1-9
2.	<b>HOUSING NEEDS ASSESSMENT</b>	
	A. Purpose .....	2-1
	B. Community Context.....	2-2
	C. Regional Population and Economic Context.....	2-11
	D. Local Population and Economic Characteristics .....	2-20
	E. Future Housing Needs .....	2-57
	F. Summary of Issues.....	2-58
3.	<b>CONSTRAINTS ANALYSIS</b>	
	A. Market Constraints.....	3-1
	B. Governmental Constraints .....	3-7
	C. Environmental and Infrastructure Constraints.....	3-24
4.	<b>RESOURCES ANALYSIS</b>	
	A. Availability of Sites.....	4-1
	B. Financial Resources.....	4-12
	C. Administrative Resources.....	4-18
	D. Opportunities for Energy Conservation.....	4-21
5.	<b>REVIEW OF 1992 HOUSING ELEMENT PERFORMANCE</b>	
	A. Purpose .....	5-1
	B. Assessment of Goals.....	5-2
	C. Assessment of Programs.....	5-7
6.	<b>HOUSING PLAN</b>	
	A. Housing Goals and Policies .....	6-2
	B. Implementing Programs.....	6-5
	C. Quantified Objectives.....	6-30



**APPENDICES**

Map A-1 City of Modesto Vacant and Underdeveloped Commercial and Professional Office Zoned Properties within the Incorporated Area.

Map A-2 City of Modesto Potential Emergency Shelter Sites based on Underdeveloped and Vacant Industrial Zoned Properties within the Incorporated Area.

Map A-3 City of Modesto Vacant and Underdeveloped Residential Zoned Properties within the Incorporated Area

Map A-4 City of Modesto General Plan Areas

Map A-5 City of Modesto Residential Specific Plan Areas

Map A-6 City of Modesto Residential CPD's and Areas with a Positive Measure A/M Vote

Map A-7 City of Modesto Sewer Trunk and Water Transmission Lines

Table A-1 Summary Table of Residential Sites Inventory within the Modesto City Limits.

Table A-2 Measure M Area Development Assumptions Table

**TABLES**

<b>Table</b>	<b>Page</b>
1-1 General Plan Consistency Analysis .....	1-5
2-1 Population Percentage Change, 1990 and 2000.....	2-2
2-2 Median Home Value in 1990 and 2000 – East Bay Counties and Stanislaus County .....	2-8
2-3 San Joaquin Valley Counties, 2000 Projection.....	2-11
2-4 Housing Tenure in San Joaquin Valley, Modesto, and California .....	2-13
2-5 1999 Household Incomes: California, San Joaquin Valley, and Modesto.....	2-13
2-6 Median Household Income in Bay Area Counties and San Joaquin Valley Region .....	2-14
2-7 Occupational Distribution in Modesto, Region, California .....	2-14
2-8 Commuting in California, San Joaquin Valley Region, Modesto .....	2-16
2-9 Modesto Average Commute Time, 1990 and 2000 .....	2-16
2-10 Regional Population Growth .....	2-17
2-11 Modesto Growth Capacity .....	2-17
2-12 Employment Growth in Stan COG Region, 1990-2025 .....	2-18
2-13 Stanislaus County Occupations with Job Growth, 1999-2006 .....	2-19
2-14 Modesto and Surrounding Communities Populations: 1980-2020 .....	2-21
2-15 Race and Ethnicity in Modesto and California, 1990 and 2000 .....	2-21
2-16 Household Types .....	2-24
2-17 Modesto 2002 Estimates.....	2-25
2-18 Tenure by Age .....	2-25
2-19 Housing Costs as Percentage of Household Income.....	2-26
2-20 Income in Modesto, Region, State.....	2-27
2-21 Income Level by Tenure .....	2-28
2-22 Occupation of Modesto Residents, 1990 and 2000 .....	2-30
2-23 Major Employers in Modesto .....	2-30
2-24 Modesto Annual Salaries, Selected Occupations, 2000.....	2-31
2-25 Households and Employment, Modesto and Stanislaus County .....	2-32
2-26 Households and Employment, Modesto, 1990-2000 .....	2-33
2-27 Relevant Economic Development Action Plan Policies and Actions.....	2-34



### Tables (cont.)

Table		Page
2-28	Special Needs Groups, 1990-2000.....	2-36
2-29	Disability and Employment Status of Modesto Residents Aged 5+.....	2-37
2-30	Disability Type by Age.....	2-38
2-31	Licensed Care Community Facilities.....	2-39
2-32	Housing Issues of Special Importance to Seniors.....	2-39
2-33	Senior Population.....	2-40
2-34	Housing Cost Burden among Senior Households.....	2-40
2-35	Large Family Income Levels.....	2-42
2-36	Types of Homeless.....	2-43
2-37	Emergency Shelters in Modesto.....	2-44
2-38	City-Supported Transitional Housing.....	2-44
2-39	Housing Stock, 1990 and 2000.....	2-46
2-40	Age of Housing Stock.....	2-47
2-41	City-Supported Multi-Family Affordable Housing.....	2-49
2-42	Modesto Affordable Housing Developed, 1993-2000.....	2-49
2-43	Modesto Federally-Assisted Multi-Family Housing Inventory.....	2-50
2-44	Rent Subsidies Required.....	2-51
2-45	Housing Affordability Matrix.....	2-53
2-46	Home Sales Prices, 1997-2002.....	2-54
2-47	Single-Family Sales Prices by Number of Bedrooms, January – October 2002.....	2-54
2-48	Condominium Sales Prices, January through November 2002.....	2-55
2-49	Increase in Owner and Renter Costs, Modesto and Bay Area.....	2-56
3-1	Disposition of Home Loans, Conventional v. Government-Insured.....	3-3
3-2	Disposition of Conventional Home Improvement Loans.....	3-5
3-3	Land Use Categories Permitting Residential Use.....	3-7
3-4	Conventional Housing Types Permitted by Zone.....	3-8
3-5	Special Needs Housing Types Permitted by Zone.....	3-11
3-6	Vacant and Underdeveloped Commercial and Industrial Properties.....	3-12
3-7	Residential Development Standards.....	3-13
3-8	Parking Requirements.....	3-15
4-1	Share of Regional Housing Needs.....	4-2
4-2	Remaining Allocation: RHNA.....	4-3
4-3	Residential Sites Inventory within City Limits.....	4-4
4-4	Residential Sites Inventory with City Sphere of Influence.....	4-9
4-5	Sites Inventory and Share of Regional Housing Needs.....	4-11
4-6	Financial Resources for Housing Activities.....	4-15
5-1	Housing Production from 1992-2000.....	5-3
5-2	Housing Accomplishments since 1992.....	5-7
6-1	Summary of Five-Year Quantified Housing Objectives.....	6-31



## Figures

Figure		Page
2-1	Regional and Local Vicinity Map.....	2-3
2-2	Population of Modesto, 1970-2020 .....	2-4
2-3	Housing Units Constructed, 1990-2001.....	2-4
2-4	Stanislaus County Prime Farmland Converted to Urban Use, 1992-2000 .....	2-6
2-5	Median Home Value, California Counties, 2000.....	2-9
2-6	Median Rent, California Counties, 2000 .....	2-10
2-7	Farming Share of Total Employment, Stanislaus County and California.....	2-15
2-8	Concentration of Minority Households .....	2-23
2-9	Low-Income Target Areas .....	2-29
2-10	Median Age of Housing Stock.....	2-48
2-11	Index of Central Valley Home Prices, 1995-2002.....	2-55

# INTRODUCTION

## A. COMMUNITY CONTEXT

The City of Modesto faces a critical need to plan for and provide sufficient housing units, resources, and programs for our residents. Rising housing costs, a large anticipated population growth, and changing demographics all illustrate the need to develop an approach and strategy to producing housing that matches the needs of the people of Modesto. Based on the most up-to-date data, resources, and knowledge available, the City has undertaken the task of planning to meet housing needs for the period of 2003-2008. The result of this effort is the Housing Element of the General Plan.



Since the late 1990s, Modesto has experienced a substantial rise in housing costs for both rental and ownership housing. Despite a relatively high rate of housing production from 2000-2002, housing costs have continued to rise and threaten to make the average home unaffordable to the average working family in the City. Diminishing housing affordability in Bay Area jurisdictions has increased the demand for housing in Modesto, resulting in increased housing prices, housing cost burden, and lack of affordable housing production in Modesto. Meanwhile, the City also faces a need to continue upgrading housing and reinvesting in neighborhoods.

Within this broad context, Modesto must address key housing challenges over the 2003-2008 planning period. These challenges include:

- 1) Providing sites for additional housing;
- 2) Providing for a range in types and prices of housing;
- 3) Continuing to address the need to improve and rehabilitate housing and neighborhoods;
- 4) Providing for those with special housing needs; and
- 5) Maintaining and improving the local environment and quality of life in Modesto.

The 2003-2008 Housing Element addresses these issues through a comprehensive housing strategy.

Creating a suitable and effective housing strategy is a complex process, but one defined by the needs of those living and working within the community. The diverse population of Modesto requires an approach that can produce an equally diverse range of housing choices, including single-family homes, apartments, condominiums, housing for special needs groups



(including the homeless), and many others. While the content of the Housing Element is based on community needs, the format and organization of the document is also largely determined by State law. The sections below provide an overview of the content and format of the Housing Element, describe the input into the Plan by Modesto residents and interested parties, defines the relationship of the Housing Element to the General Plan, and discusses how the Housing Element will be used by the City to encourage housing production in a pace and manner consistent with community goals.

## **B. STATE POLICY AND AUTHORIZATION**

The California Legislature has identified the attainment of a decent home and suitable living environment for every resident as the State's major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the Legislature has mandated that all cities and counties prepare a housing element as part of their comprehensive general plan. Section 65302(c) of the Government Code sets forth the specific components to be contained in a community's housing element.

State law requires housing elements to be updated at least every five years to reflect a community's changing housing needs. The 1992 Modesto Housing Element covered the five-year period spanning 1992 through 1997. However, due to an economic downturn in the mid-1990s and a shortfall in State funds, the Legislature extended the planning period for the 1992 Housing Element through June 30, 2003. Thus, this Housing Element covers the planning period of July 1, 2003 to June 30, 2008. Special legislation was later adopted to provide an extension for completing the Housing Element update to December 31, 2003.

A critical measure of compliance with the State Housing Element law is the ability of a jurisdiction to accommodate its share of the regional housing needs – Regional Housing Needs Allocation (RHNA). For Stanislaus County, the regional growth projected by the State was for the period between January 1, 2001 and June 30, 2008. Therefore, while the Housing Element is a five-year document covering July 1, 2003 to June 30, 2008, the City has seven and one-half years (January 1, 2001 to June 30, 2008) to fulfill the RHNA.

## **C. ROLE OF HOUSING ELEMENT**

The Housing Element of the General Plan is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. A priority of both State and local governments, Government Code Section 65580 states the intent of creating housing elements:

*The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.*



Per State law, the Housing Element has two main purposes:

- (1) To provide an assessment of both current and future housing needs and constraints in meeting these needs; and
- (2) To provide a strategy that establishes housing goals, policies, and programs.

Beyond State law requirements, Modesto has areas of special priority that provide additional purpose to the Housing Element. The unique conditions and market forces in play in Modesto require that the Housing Element focus on additional concerns, such as the influence of San Francisco Bay Area workers have on the local housing market and the pursuit of a jobs/housing balance for the economic well-being of the community. The State-mandated concerns and the local concerns combine to set the foundation upon which this Housing Element is built.

The Housing Element is a five-year plan for the 2003-2008 period, unlike other General Plan elements that typically cover a 10- to 30-year planning horizon. The Modesto Urban Area General Plan, for instance, encompasses goals and policies intended to guide growth and development through the year 2025. This Housing Element identifies strategies and programs that focus on:

- 1) Matching housing supply with need;
- 2) Maximizing housing choice throughout the community;
- 3) Assisting in the provision of affordable housing;
- 4) Removing governmental and other constraints to housing investment; and
- 5) Promoting fair and equal housing opportunities.

The Housing Element consists of the following major components:

- An analysis of the City's demographics, housing characteristics, and existing and future housing needs (Section 2).
- A review of potential market, governmental, and environmental constraints to meeting the City's identified housing needs (Section 3).
- An evaluation of the land, financial, and organizational resources available to address the City's identified housing needs (Section 4).
- A review of the City's accomplishments from the previous 1992 Housing Element, including quantified results of programs (Section 5).
- A statement of the Housing Plan to address the City's identified housing needs, including housing goals, policies and programs (Section 6).



## D. DATA SOURCES

In preparing the Housing Element, various sources of information were used. Wherever possible, Census 2000 data provided the baseline for all demographic information. Additional sources provided reliable updates to the 2000 Census. These include housing market data from Dataquick, employment data from the Employment Development Department, lending data from financial institutions provided under the Home Mortgage Disclosure Act (HMDA), and the most recent data available from service agencies and other governmental agencies. In addition, the City's 2003-2008 Housing Element implements the most recent changes to State Housing Element law, including those affecting the development, maintenance, and improvement of housing for persons with disabilities.

## E. RELATIONSHIP TO THE MODESTO URBAN AREA GENERAL PLAN

The Housing Element is a component of the Modesto Urban Area General Plan, which provides guiding policy for all growth and development within the community. The General Plan consists of seven chapters that address both the State-mandated planning issues plus optional subjects that are of particular concern to the City. These chapters are:

- Community Growth Strategy
- Community Development
- Housing
- Community Services and Facilities
- Public Safety
- Environmental Resources and Open Space
- General Plan Implementation

State law requires consistency among sections of the General Plan. As such, goals and policies contained within the Housing Element should be interpreted and implemented consistent with the goals and policies of the rest of the General Plan. To ensure that the contents of the 2003-2008 Housing Element maintain consistency with the adopted General Plan, an analysis of the two documents was conducted. Table 1-1 provides the goals and policies of the Housing Element and other General Plan policies that support them.

The City will ensure consistency between the Housing Element and other General Plan elements so that policies introduced in one element are consistent with other elements. At this time, the Housing Element does not propose significant changes to any other element of the City's General Plan. However, if it becomes apparent that over time that changes to any element are needed for internal consistency, such changes will be proposed for consideration by the Planning Commission and City Council.



**Table 1-1  
General Plan Consistency Analysis**

Housing Element		General Plan Supporting Policies			
#	Policy	Element	Topic	Issue	Policy
1.1	Support housing for all income groups.	Community Development	Neo-Traditional Principles	C	Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels to live within its boundaries.
1.2	Promote the development of affordable housing throughout the community.	Community Development	Neo-Traditional Principles	C	Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels to live within its boundaries.
1.2	Facilitate development of housing for special needs groups.	No specific policies in General Plan that either support or contradict this housing element policy			
1.4	Facilitate the development of entry-level and step-up housing.	Community Development	Neighborhood Plan Prototype	A	Neighborhoods should contain a variety of housing types, as allowed by the R-1, R-2, R-3, and P-D zones of the Modesto Zoning Code.
2.1	Promote equal opportunity for all residents to reside in the housing of their choice.	Community Development	Neo-Traditional Principles	C	Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels to live within its boundaries.
2.2	Continue to make a strong commitment to the issue of fair housing practices.	Community Development	Neo-Traditional Principles	C	Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels to live within its boundaries.
2.3	Encourage a range of housing types to be constructed in subdivisions and large developments.	Community Development	Neighborhood Plan Prototype	A	Neighborhoods should contain a variety of housing types, as allowed by the R-1, R-2, R-3, and P-D zones of the Modesto Zoning Code.
2.4	Facilitate the development of second units as an affordable housing alternative.	Community Development	Neighborhood Plan Prototype	A	Neighborhoods should contain a variety of housing types, as allowed by the R-1, R-2, R-3, and P-D zones of the Modesto Zoning Code.
2.5	Encourage the development and rehabilitation of housing that is accessible to persons with disabilities.	No specific policies in General Plan that either support or contradict this housing element policy.			



**Table 1-1  
General Plan Consistency Analysis**

Housing Element		General Plan Supporting Policies			
#	Policy	Element	Topic	Issue	Policy
3.1	Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through conservation and rehabilitation.	No specific policies in General Plan that either support or contradict this housing element policy.			
3.2	Focus City resources for housing rehabilitation and assisted housing on those having the greatest need for assistance.	No specific policies in General Plan that either support or contradict this housing element policy.			
3.3	Make a maximum effort to preserve the units in assisted housing developments eligible to change to non-lower-income uses.	No specific policies in General Plan that either support or contradict this housing element policy.			
3.4	Assist non-profit housing providers in acquisition, rehabilitation, and maintenance of older homes as long-term affordable housing.	No specific policies in General Plan that either support or contradict this housing element policy.			
3.5	Promote energy conservation activities in all residential neighborhoods.	No specific policies in General Plan that either support or contradict this housing element policy.			
4.1	Track changes in Housing Law to ensure that land use regulations are consistent with and supportive of State and federal laws.	No specific policies in General Plan that either support or contradict this housing element policy.			
4.2	Review local regulations periodically for the ability to accommodate projected housing demands.	No specific policies in General Plan that either support or contradict this housing element policy.			
4.3	Maintain an up-to-date inventory of the amount, type, and size of vacant and underused land.	No specific policies in General Plan that either support or contradict this housing element policy.			



**Table 1-1  
General Plan Consistency Analysis**

Housing Element		General Plan Supporting Policies			
#	Policy	Element	Topic	Issue	Policy
4.4	Maintain an adequate supply of appropriately designated land for special needs housing.	No specific policies in General Plan that either support or contradict this housing element policy.			
5.1	Establish and maintain development standards that support housing production while protecting quality of life goals.	No specific policies in General Plan that either support or contradict this housing element policy.			
5.2	Continue to provide financial incentives such as fee deferrals and exemptions for affordable and special housing projects.	No specific policies in General Plan that either support or contradict this housing element policy.			
5.3	Continue to provide for timely and coordinated processing of residential development projects.	No specific policies in General Plan that either support or contradict this housing element policy.			
5.4	Review the City's fee structure to ensure that fees do not unduly constrain the production of housing.	No specific policies in General Plan that either support or contradict this housing element policy.			
6.1	Promote coordination between infrastructure master plans, service area boundaries, and housing plans.	Community Facilities	Water Policies Baseline Area	B	The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high quality water for urban uses.
6.2	Direct housing to areas where infrastructure and utilities can be provided.	Community Facilities	Water Policies Planned Urbanizing Area	B	The City of Modesto shall coordinate land development projects with the expansion of water treatment and supply facilities.
6.3	Promote infill development.	No specific policies in General Plan that either support or contradict this housing element policy			
6.4	Support policies and regulations to ensure implementation of Federal and State laws regarding stormwater pollution prevention.	Community Facilities	Water Policies Baseline Area	B	The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high quality water for urban uses.



**Table 1-1  
General Plan Consistency Analysis**

Housing Element		General Plan Supporting Policies			
#	Policy	Element	Topic	Issue	Policy
7.1	Encourage the development of workforce housing.	No specific policies in General Plan that either support or contradict this housing element policy.			
7.2	Promote economic development efforts that create employment opportunities for City residents.	No specific policies in General Plan that either support or contradict this housing element policy.			
7.3	Work with Stanislaus County and neighboring jurisdictions to improve the jobs-housing balance in the region.	No specific policies in General Plan that either support or contradict this housing element policy.			



## **F. COMMUNITY INVOLVEMENT**

Public input on housing needs and strategies is critical to developing appropriate and effective City housing programs. As part of the Housing Element update, the City undertook a three-phase effort to involve residents, policy makers, and service providers. In the first phase, the City conducted a series of community workshops to solicit information on housing needs in the community. The second phase involved a series of meetings before the Housing Element Advisory Committee (HEAC). Seven HEAC meetings were held over a six-month period to provide information to the public about the purpose, mandate, and contents of the Element, and to provide opportunities for public input. The third and final community involvement component is the public hearing process associated with the Planning Commission and City Council consideration of the Housing Element.

### **Neighborhood Meetings**

The City conducted neighborhood meetings on September 25, 26, and 30, 2002 for the Housing Element. The purpose of the meetings was to introduce the public to the Housing Element and to obtain feedback and direction on major housing issues facing the City. The meetings were held in various locations and were advertised to generate interest through direct mailing and local newspapers. The events were advertised at City Hall and various City locations.

### **Housing Element Advisory Committee (HEAC) Meetings**

The City held seven public HEAC meetings between October, 2002 and May, 2003 to discuss the housing element mandate, obtain input on community housing needs, and receive policy direction from the HEAC. The HEAC meetings were open to the public, with special invitations issued to service providers, stakeholders, and concerned residents. Of the groups invited or noticed by mail, regular attendees included:

- California Rural Legal Assistance
- Community Housing and Shelter Services
- Disability Resource Agency for Independent Living (DRAIL)
- Habitat for Humanity
- League of Women Voters
- Project Sentinel
- Residents from the community
- Stanislaus County Housing Authority
- Stanislaus County Planning Department

Throughout the plan development process, interim products were prepared to assist the HEAC and the public in formulating policies and programs. The Draft Housing Element was a collaborative effort by the HEAC, service providers, stakeholders, concerned residents, and



staff. The Draft Element was available for public review between May 7 and June 4 and was presented before the Planning Commission and City Council on June 4.

## Public Hearings

A joint study session and public hearing was conducted on June 4, 2003 before the Planning Commission and City Council to discuss the Draft Housing Element prior to submittal of the Element for review by the State Department of Housing and Community Development (HCD). The meeting was attended by residents, public agencies, and community groups, including:

- California Rural Legal Assistance
- Habitat for Humanity
- League of Women Voters
- Stanislaus County Housing Authority



In response to comments by the Planning Commission, City Council, and the public, the Draft Housing Element was modified to strengthen the City's commitment to several housing programs.

Additional public hearings were conducted by the Planning Commission on February 18, 2004 and by the City Council on March 9 and April 27, 2004.

# HOUSING NEEDS ASSESSMENT

## A. PURPOSE

Development of an appropriate and effective housing strategy relies on an accurate and dynamic characterization of the nature and extent of existing housing needs, as well as a projection of how those needs will change in the future. Housing needs are affected by local, regional, and to some extent, global economic and financial conditions. However, many variables that impact the supply and demand of housing can be assessed and addressed at the local level. Such variables include employment and population growth, demographic composition, condition of the local housing stock, relative housing affordability, and the availability of housing-related services.



The following presentation of existing and future housing needs is structured to assist development of programs and policies in the Housing Element.

- ***Community Context*** presents the primary characteristics of Modesto that influence housing needs and housing policy. A summary of local and regional issues introduces the more detailed sections that follow.
- ***Regional Population and Economic Context*** presents the demographic and employment characteristics and trends of the San Joaquin Valley and Stanislaus County communities, with a focus on the regional and interregional issues that could affect housing in Modesto.
- ***Local Population and Economic Characteristics*** distinguishes Modesto from the region, and presents detailed information on the population, household types and incomes, occupations held by residents, housing stock, special needs populations, inventory of affordable housing, and affordability gaps in the City.
- ***Future Housing Needs*** details the City's share of projected regional housing needs.



## B. COMMUNITY CONTEXT

Modesto is located in the northern part of the San Joaquin Valley in Stanislaus County along State Route 99 and between the Stanislaus and Tuolumne rivers (Figure 2-1). Modesto is the largest incorporated city in Stanislaus County and accounts for approximately 42 percent of the County's population (as of 2000). The estimated 2002 population is 199,000.<sup>1</sup> Population growth in Modesto is projected by the Stanislaus Council of Governments (Stan COG) to accelerate between 2000 and 2020, with the City population increasing to 418,000 by 2020 (refer to Table 2-1 and Figure 2-2). The population increase anticipated by the City's Urban Area General Plan Master Environmental Impact Report is 390,000 by 2025, while the estimated holding capacity of the planning area is 400,000.

As the largest city in the County, Modesto serves as Stanislaus County's retail, government, medical, and employment center. Surrounded by small cities and farmland, Modesto is located approximately 90 miles east of San Francisco, 80 miles south of Sacramento, 110 miles west of Yosemite National Park, and 95 miles northwest of Fresno.

**Table 2-1**  
**Modesto Percentage Population Change, 1990-2020**

1990 - 2000	2000 - 2010	2000 - 2020
15%	60%	122%

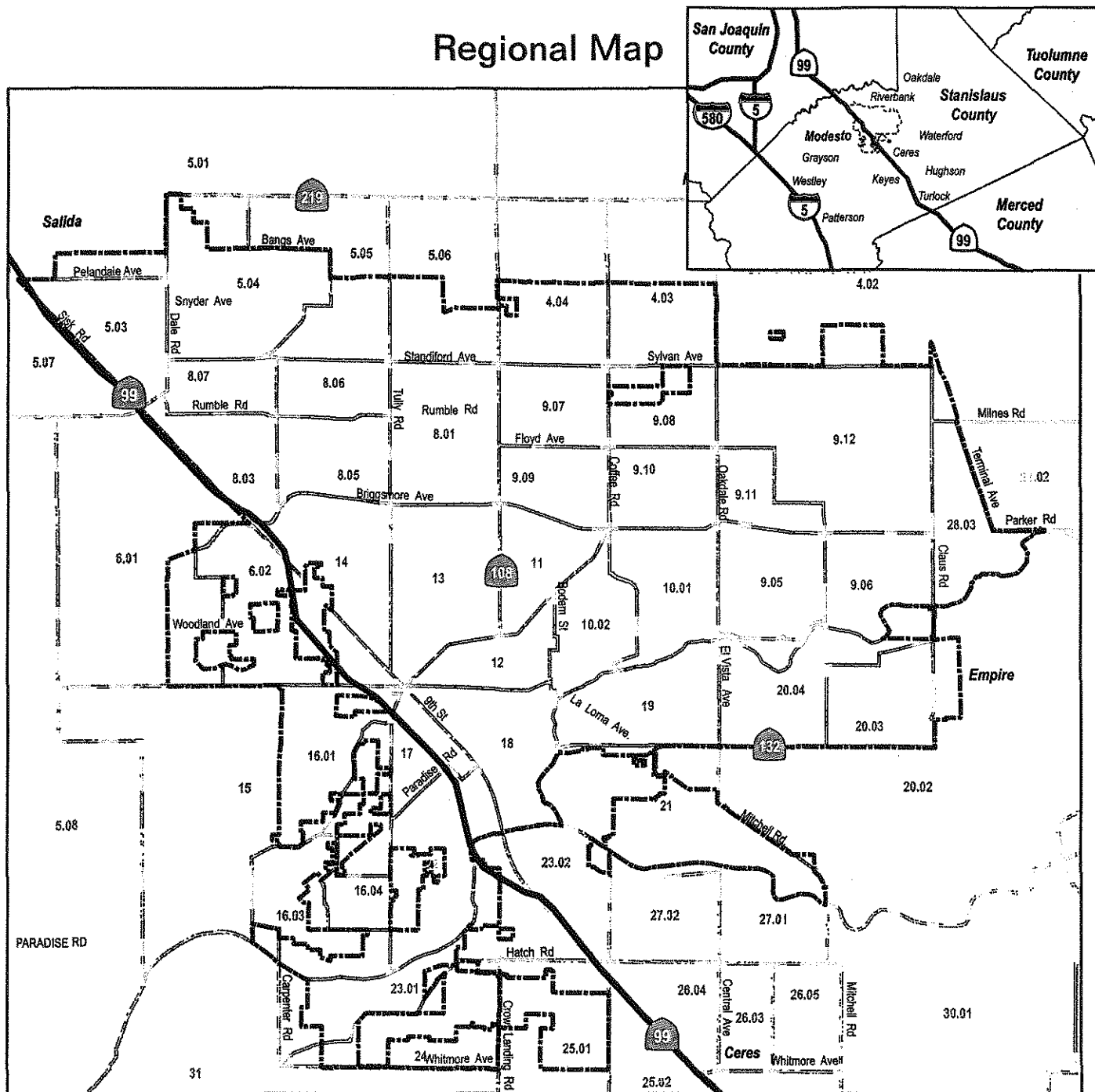
Sources: U.S. Census, 1990, 2000; Stan COG, 2002.


The housing stock in Modesto expanded during the past decade, with a relatively large number of single-family homes added, especially in the northern and western portions of the community. Between 1990 and 2001, multi-family housing construction accounted for only 10 percent of all housing units constructed (see Figure 2-3).

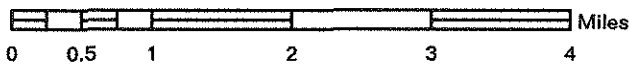
According to the Building Department, more housing units were built in 2000 than in any other year between 1990 and 2001. Multi-family units, which never comprised more than 22 percent of the total units built in any year, were built at the highest rate in 1990 and have decreased since then.



<sup>1</sup> City of Modesto. *Urban Area General Plan Draft Environmental Impact Report*. November 2002; California Department of Finance web site, 2002.

# Regional Map



 GIS maps prepared by: Cotton/Bridges/Associates  
 NORTH Source: City of Modesto and 2000 Census (SF-1 and SF-3)



-  City Boundary
-  Census Tracts (2000)

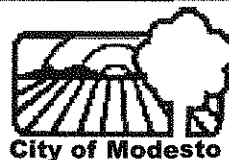
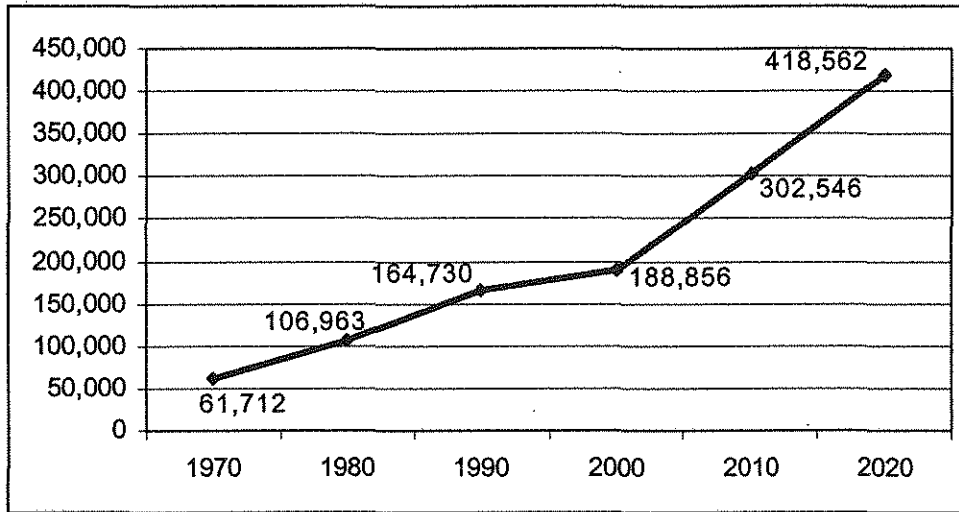


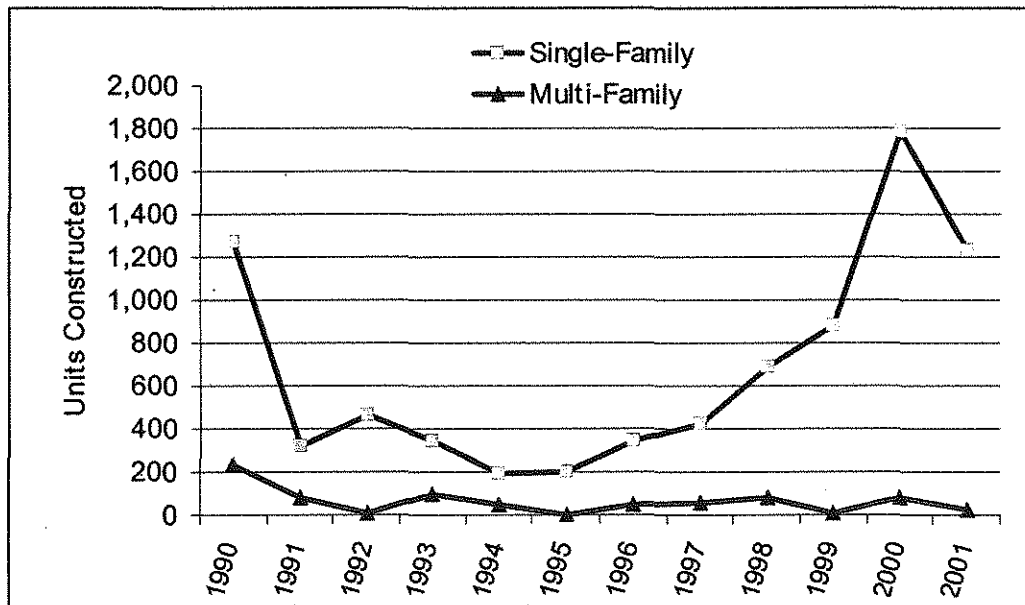
Figure 2-1  
**Regional and Local  
 Vicinity Map**

**Figure 2-2**  
**Population of Modesto, 1970-2020**



Source: U.S. Census, 1990, 2000; Stan COG, 2002.

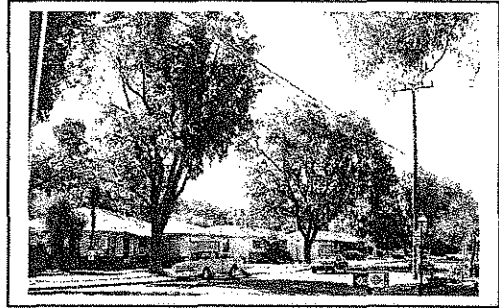
**Figure 2-3**  
**Housing Units Constructed, 1990-2001**



Employment growth has not been commensurate with population growth during the last 10 years; the total number of employed residents increased by only 10 percent as population grew 15 percent. The run-away housing market in the Bay Area has resulted in an influx of people who work in the Silicon Valley, San Francisco, and East Bay in search of affordable housing eastward. Locally, this increase in long-distance commuting and imbalance of jobs and housing is an important issue to be addressed through housing policy, economic development initiatives, and land use planning.

## Local Issues

Given its location, rapid growth spurred by regional needs, and the desire to maintain and improve the quality of life it offers, the City strives to manage growth, encourage redevelopment of the downtown areas, ensure provision of infrastructure, and establish village-scale planning. Air quality, traffic congestion, neighborhood character and integrity, provision of adequate infrastructure and services, and farmland preservation are some of the primary issues the City considers in its attempt to appropriately manage growth.



Several roadway segments in Modesto operate at congested levels of service, especially in the central and northern portions of the City. Under buildout conditions specified in the 2003 General Plan Master EIR, 38 arterial segments would operate in excess of Level of Service D, which is below City roadway standards. Air quality and noise impacts of additional traffic caused by future growth are a concern.



In the San Joaquin Valley Air Basin, which the City of Modesto is located within, the primary air pollutants of concern are ozone and particulate matter. The Basin was reclassified from *serious* to *severe* nonattainment in 1999 by the federal Environmental Protection Agency, and is in severe nonattainment for State ozone standards and in nonattainment for State

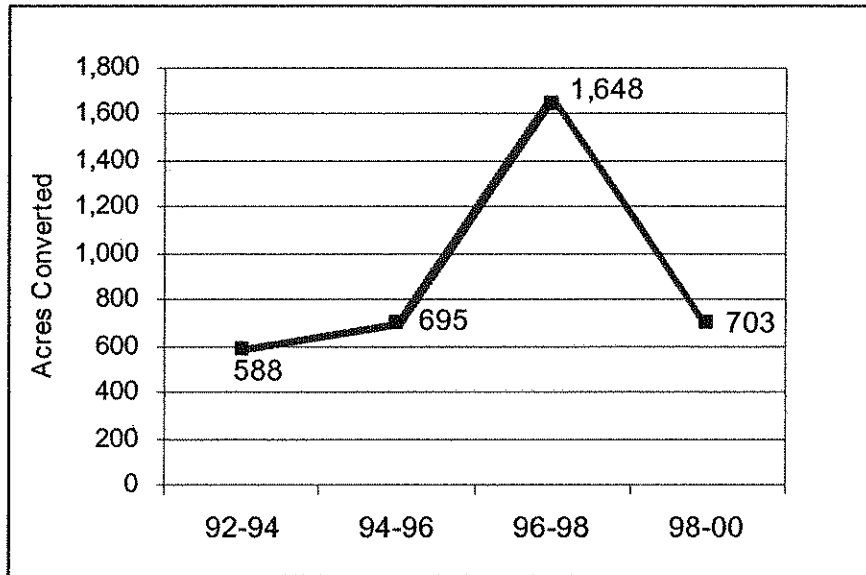
and federal particulate matter standards. Activities associated with population growth such as automobile traffic and construction further contribute to formation of ozone and emission of particulate matter.

City water comes from approximately 120 groundwater wells and from surface water delivered via the Modesto Regional Treatment Plant. Historically, overdraft of groundwater wells has been a problem in the area. With current surface treatment capacity and safe use of

groundwater, water capacity can support up to 213,000 residents.<sup>2</sup> The available potable surface and groundwater supplies would be short of water demand by about 56 million gallons per day, assuming a 2025 population of 400,000 residents.

Agriculture is the leading industry in Stanislaus County and the San Joaquin Valley in terms of overall value of commodities produced. According to the State Department of Conservation, almost 2,000 acres of important farmland in Stanislaus County were converted to urban use between 1996 and 1998, and another 822 acres were converted between 1998 and 2000, primarily due to development of housing in Modesto, Ceres, Turlock, and Riverbank (Figure 2-4).<sup>3</sup> Much of the land immediately outside the current sphere of influence, especially west of the City, is subject to Williamson Act farmland contracts.<sup>4</sup>

**Figure 2-4**  
**Stanislaus County Prime Farmland Converted to Urban Use, 1992-2000**



Source: California Department of Conservation web site, 2002.

<sup>2</sup> City of Modesto. *Final General Plan Master Environmental Impact Report*. March, 2003.

<sup>3</sup> California Department of Conservation. *Farmland Mapping and Monitoring Program. 2000 Field Report: Stanislaus County (East and West)*. August, 2001.

<sup>4</sup> City of Modesto. *Final General Plan Master Environmental Impact Report*. March, 2003.



## Visions for the Future

In response to these critical local issues, the Modesto Urban Area General Plan is structured to guide growth without taxing infrastructure, to consider environmental impacts, and to provide for economic growth and development. The overriding mission statement of the Modesto Urban Area General Plan states:

*The Modesto Urban Area General Plan addresses the collective challenges of the future. The Urban Area General Plan presents a blueprint for the preservation of Modesto's quality of life while providing direction for the growth of business and industry to meet the needs of the future generations in the Modesto community.*

In addition, the General Plan focuses on the following critical issues:<sup>5</sup>

- Employment opportunities
- More comprehensive planning
- Defining Modesto's character
- Reducing automobile traffic impacts
- Maintaining older neighborhoods and upgrading unsafe neighborhoods
- Integrating new neighborhoods into the urban pattern
- Agricultural land preservation
- Environmental concerns

Local issues are also addressed by goals identified in the City's Consolidated Plan and Annual Action Plan that guide the use of federal entitlement grants for housing and community development purposes.<sup>6</sup>

### City Council Goals

- Promote economic development, including job training
- Provide capital improvements in low- and moderate-income neighborhoods
- Encourage Welfare to work initiatives including child care, transportation, emergency food provision, and homeless prevention

### Community priorities (developed in community meetings throughout Modesto)

- Promote economic development and jobs
- Provide street improvements
- Ensure traffic safety
- Facilitate neighborhood revitalization and clean up
- Assist and promote neighborhood-based non-profit organizations

<sup>5</sup> City of Modesto. *Urban Area General Plan*. April, 1997.

<sup>6</sup> Goals are included in the City of Modesto Parks, Recreation, and Neighborhoods Department's *Consolidated Annual Performance and Evaluation Report for Fiscal Year 2000-2001*, September 2001.



## Regional Issues

Cities in Stanislaus County and the unincorporated areas are expected to experience lower population growth rates compared to Modesto. The lower growth rates anticipated for the County and smaller cities are partly a function of regional economic forecasts and partly a function of growth management policy.

Population growth is limited by the County to protect agricultural resources threatened by expanding cities and to maintain the small-town, rural character of unincorporated communities.<sup>7</sup> Growth projections recently adopted by Stan COG reflect this desire to direct growth into the urbanized communities. Growth projections are higher for Modesto (5.32 percent annually)<sup>8</sup> than for the County (3.49 percent) and are much higher than for the unincorporated portions of the County (0.35 percent). Directing growth to appropriate geographic areas within Stanislaus County is made more difficult by the evolving residential and employment relationships with Bay Area communities.

## Bay Area Housing Crisis

The San Francisco Bay Area is adjacent to Stanislaus County to the west. The expansion of the Bay Area economy during the 1990s attracted workers from all over the country and around the world, creating a high demand for housing. The internet business expansion and high-tech sector created a generation of sudden wealth that pushed the housing prices to new heights.

Over the last several years, housing prices have increased dramatically in the Bay Area, while the cost of housing in Stanislaus County has remained relatively affordable (Figures 2-5 and 2-6). As shown in Table 2-2, median home prices in East Bay counties increased dramatically between 1990 and 2000 (in constant dollars), while the median home price in Stanislaus County increased by only one percent.

**Table 2-2**  
**Median Home Values in 1990 and 2000 - East Bay Counties and Stanislaus County**

County	Median Home Value		
	1990	2000	% Change 1990 - 2000
Alameda County	\$227,200	\$303,100	33%
Contra Costa County	\$219,400	\$267,800	22%
San Francisco County	\$298,900	\$396,400	33%
San Mateo	\$343,900	\$469,200	36%
Santa Clara County	\$289,400	\$446,400	54%
Stanislaus County	\$124,300	\$125,300	1%

Source: U.S. Census, 1990 and 2000.

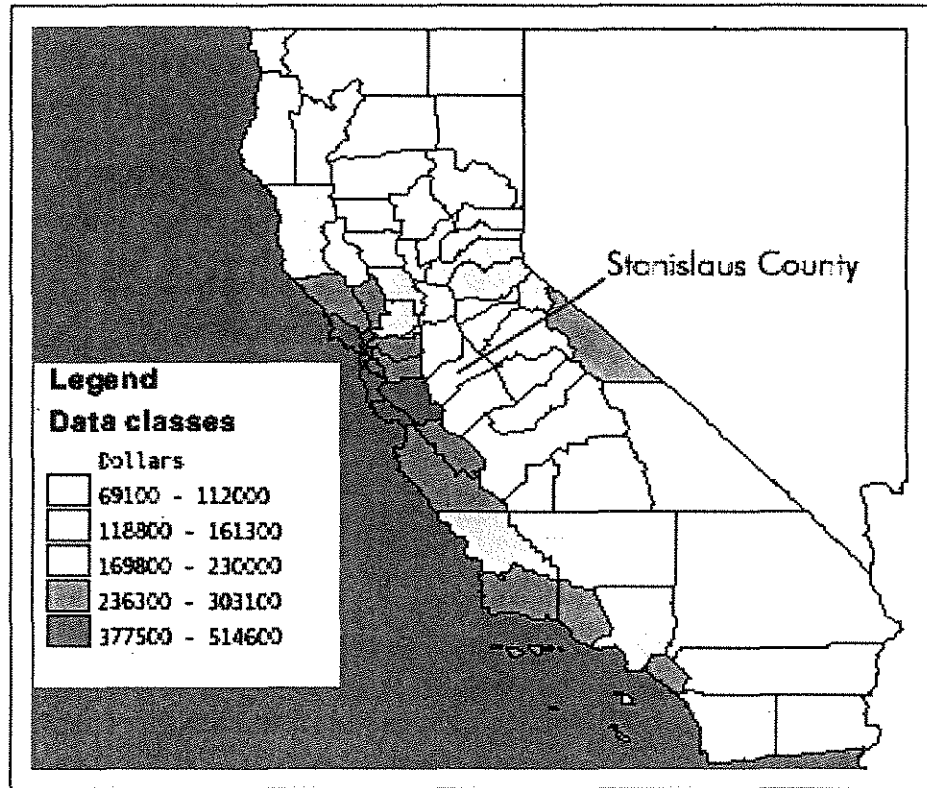
<sup>7</sup> Sellers, Chip. Stanislaus County Council of Governments. Personal communications, October 1, 2002.

<sup>8</sup> The Modesto General Plan Master EIR presents a significantly lower growth projection than Stan COG. See discussion on page 2-21.



As Bay Area workers continue to seek affordable housing in the San Joaquin Valley region, housing prices in Stanislaus County have soared. Since 2000, the median home price in Stanislaus County has increased by 35 percent and the median home price in Modesto by 37 percent, while the median price in San Francisco County increased by 10 percent and in Santa Clara County by 7 percent.<sup>9</sup> Essentially, the housing crisis that originated in the Silicon Valley and Bay Area has shifted eastward to the San Joaquin Valley.

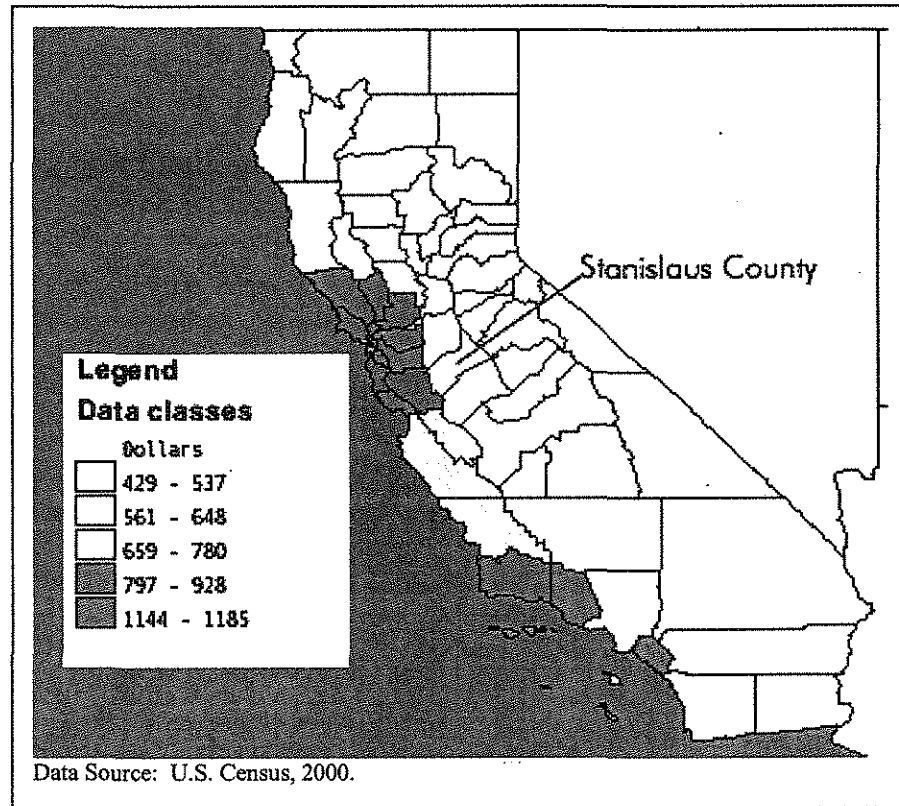
**Figure 2-5**  
**Median Home Value, California Counties, 2000**



<sup>9</sup> Data from the California Association of Realtors generated using real estate database services. Data includes a mixture of new and existing sales and both condos and single-family units.



**Figure 2-6**  
**Median Rent, California Counties, 2000**



Average wages for Bay Area workers have increased in tandem with the cost of living, making Stanislaus County homes inexpensive to those with jobs in Silicon Valley and other Bay Area employment centers. Many who seek affordable housing are willing to make the long commute between the Bay Area and Stanislaus County. The California Department of Transportation estimates that approximately 23,000 Stanislaus County residents make this long distance commute.<sup>10</sup> Trips over the Altamont Pass (the principal roadway between the San Joaquin Valley and the Bay Area) have increased by 400 percent since 1971, from 29,000 to 117,000.<sup>11</sup>

The rising demand for housing in Modesto is driven in part by commuters from the Bay Area. With higher wages, Bay Area workers have the purchasing power to pay higher rents and high prices for homes, pushing the cost of housing in Modesto to levels beyond the reach of many existing Modesto residents.<sup>12</sup> The City intends, through the housing element process, the HCD-administered five-county Inter Regional Partnership, and other policy planning and implementation, to accommodate a more balanced allocation of local jobs and local housing.

<sup>10</sup> Stan COG. *Regional Housing Needs Assessment*. 2002. Page 22.

<sup>11</sup> Ibid.

<sup>12</sup> Nancy Cook, Executive Director of Community Housing and Shelter Services. Personal Communications, October 28, 2002; Dee Smith, Fair Housing Specialist. Personal Communications, October 28, 2002.

## C. REGIONAL POPULATION AND ECONOMIC CONTEXT

Modesto generally is considered part of the San Joaquin Valley, which follows the San Joaquin River from Kern County in the south to San Joaquin County in the north, also including the counties of Tulare, Kings, Fresno, Madera, Merced, and Stanislaus. With approximately 3.3 million residents as of 2000, the major economic activity in the region is agriculture, though in some parts of the valley, areas of job growth are not in farming.<sup>13</sup>

Stanislaus County had 447,000 residents as of 2000, and the population is projected by Stan COG to grow to over 826,000 by 2025, an increase of approximately 84 percent (Table 2-3). Nearly all of this growth (97 percent) is to be directed to the County's incorporated cities in efforts to preserve the rich agricultural resources.

**Table 2-3**  
**San Joaquin Valley Counties, 2000 Population**

County	2000 Population
Madera	123,109
Kings	129,461
Merced	210,554
Tulare	368,021
Stanislaus	446,997
San Joaquin	563,598
Kern	661,645
Fresno	799,407
<b>Total</b>	<b>3,302,792</b>

Source: 2000 U.S. Census.

In the *2000 Cities/County Visioning Project* conducted by Stanislaus County and its incorporated cities, several visions, goals, and actions were articulated in meetings with city and County leaders. The Countywide Visioning Project involved government officials, local business leaders, and educators in a three-year visioning process. The purpose of the process was to create a vision for the future of Stanislaus County based on collaboration and cooperation among local government bodies.<sup>14</sup> The first vision statement and set of actions in that report deals with protecting agricultural land from unnecessary low-density sprawl:

**Actions:** The cities and County of Stanislaus will adopt general plans, policies and agreements that will achieve the following:

1. More compact and clearly defined urban boundaries that avoid unnecessary conversion of farmlands.

<sup>13</sup> City of Modesto. *Analysis of Impediments to Fair Housing*. May 1996. Page 10.

<sup>14</sup> County of Stanislaus web site. <http://www.co.stanislaus.ca.us/visionproject.pdf>. 2002.

2. Protection of farmland outside the urban boundaries.
3. Expansion of city limits to include urbanized unincorporated areas that are substantially surrounded by a city.
4. Compact urban development which encourages redevelopment of blighted areas, "in-fill" development of vacant and underutilized land, and a variety of affordable housing.
5. Urban limit lines, providing for areas of open space, agriculture, very low density, rural development, or green belts in which urban development cannot occur.
6. Tax and revenue policies that will support and encourage good land use decisions.
7. Transportation policies that support and implement the land use vision.

## Housing, Households, and Household Types

Overall, the region is similar to California relative to the distribution of household types. However, the San Joaquin Valley's proportion of Hispanic persons is approximately 7 percentage points higher than the proportion of Hispanics in California, and the region has a proportion of persons under age 18 that is approximately 7 percentage points higher than the State as a whole.<sup>15</sup> Corresponding to the proportion of children, the representation of family households, as a proportion of total households, is approximately 7 percentage points higher in the region compared to California as a whole.

Different household types have different housing needs and different homeownership rates. According to the State Department of Housing and Community Development (HCD), the demographic characteristics of the San Joaquin Valley region will result in an incremental demand for homeownership in the region that will exceed the incremental demand for rental housing by more than 50 percent between 1997 and 2020.<sup>16</sup> The share of owner-occupied housing in the region is greater by 1.4 percentage points than Modesto, and is greater than that in California by 3.2 percentage points (Table 2-4). Among counties in the region, the demand for homeownership will be strongest in Madera and Stanislaus counties and weakest in Kings and Merced counties, according to HCD.

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<sup>15</sup> U.S. Census, 2000.

<sup>16</sup> Department of Housing and Community Development. *Housing Production Needs, 1997-2020*. 2000.

**Table 2-4**  
**Housing Tenure in San Joaquin Valley, Modesto, and California**

Tenure	San Joaquin Valley		Modesto Percentage	California
	Number	Regional Percentage		
Owner-occupied housing units	620,540	60.1%	58.7%	57%
Renter-occupied housing units	412,600	39.9%	41.3%	43%

Source: U.S. Census, 2000.

## Household Income

The San Joaquin Valley has lower median incomes than does California as a whole, but also has a much lower cost of living than many regions in the State. Modesto's median household income is approximately 10 percent more than the San Joaquin Valley region but 15 percent lower than the State's. Of the income categories summarized in Table 2-5, the region lags behind California most significantly in the \$100,000 – \$149,000 range. More importantly, as shown in Table 2-6, compared to the East Bay counties, median income in the San Joaquin Valley is approximately 35 percent lower than Alameda County (\$55,946), 51 percent lower than Santa Clara County (\$74,335), 48 percent lower than San Mateo County (\$70,819), 34 percent lower than San Francisco County (\$55,221), and 42 percent lower than Contra Costa County (\$63,675). These disparities in income affect local residents' ability to compete with East Bay workers for housing in the region.

**Table 2-5**  
**1999 Household Incomes: California, San Joaquin Valley, and Modesto**

Income in 1999	Regional %	Modesto %	California
Less than \$10,000	11.1%	8.9%	8%
\$10,000 to \$14,999	7.6%	7.2%	6%
\$15,000 to \$24,999	15.2%	13.6%	12%
\$25,000 to \$34,999	13.8%	13.5%	11%
\$35,000 to \$49,999	16.6%	17.6%	15%
\$50,000 to \$74,999	18.1%	19.7%	19%
\$75,000 to \$99,999	8.9%	9.9%	12%
\$100,000 to \$149,999	5.9%	6.8%	10%
\$150,000 to \$199,999	1.4%	1.4%	3%
Median Household Income (\$)	\$36,638	\$40,394	\$47,493

Source: U.S. Census, 2000.

**Table 2-6**  
**Median Household Income in Bay Area Counties**  
**and San Joaquin Valley Region**

County	Median Household Income	Compare with San Joaquin Valley
Alameda	\$55,946	35% higher
Santa Clara	\$74,335	51% higher
San Mateo	\$70,819	48% higher
San Francisco	\$55,221	34% higher
Contra Costa	\$63,675	42% higher

Source: U.S. Census, 2000.

## Employment

### Current Employment Characteristics

As one of the most productive agricultural areas in the world, the central valley of California produces more fruits, vegetables, and nuts than any region of comparable size in the United States (with more than 7 million acres under irrigation). Most of the central valley's agricultural activity is located in the San Joaquin Valley, where agriculture accounts for approximately 32 percent of the total income and 37 percent of the employment.<sup>17</sup>

Employment in the San Joaquin Valley has less representation in management and professional occupations than California, and more representation in farming, fishing, and fishing industries (Table 2-7). Dairy production, fruit and nut harvest, poultry, and cattle production are the most prevalent types of agriculture in the County.<sup>18</sup> Except for fruit and nut harvest that may have some influence on seasonal employment, dairy production, poultry, and cattle production are year-round operations that typically do not rely on migrant farm labor.

**Table 2-7**  
**Occupational Distribution in Modesto, Region, California**

Occupation	Regional %	Modesto %	California %
Management, Professional	27.2%	28.4%	36%
Service	16.2%	15.9%	15%
Sales, Office	25.0%	27.7%	27%
Farming, fishing, forestry	6.8%	1.3%	1%
Construction, extraction	9.9%	10.6%	8%
Production, transportation	15.0%	16.1%	13%

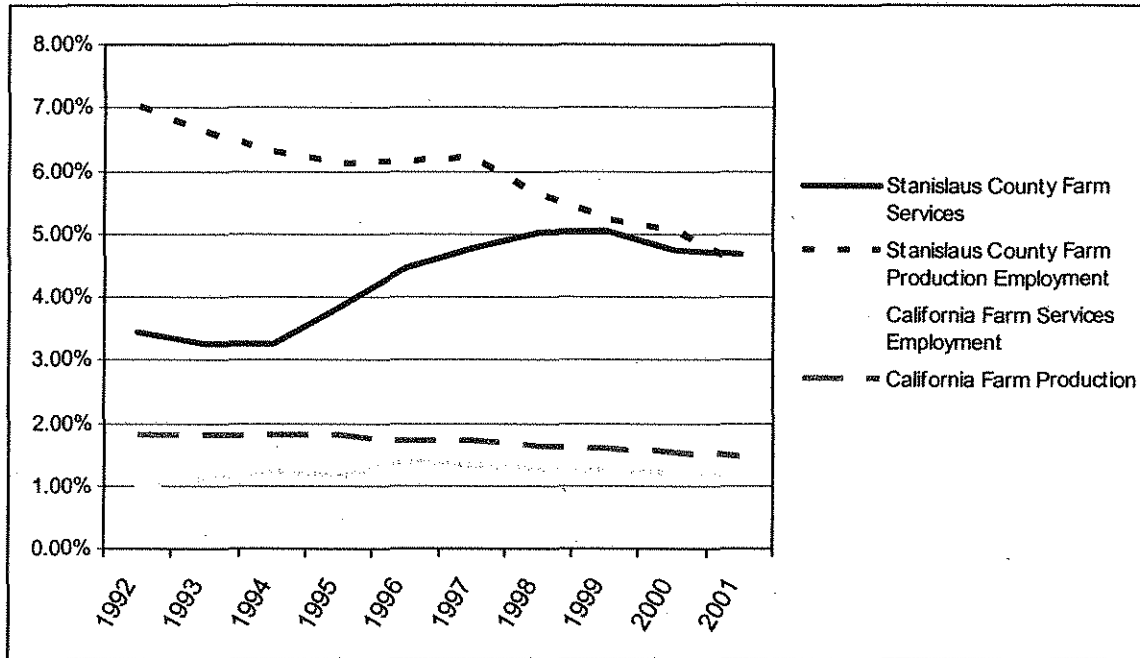
Source: U.S. Census, 2000.

<sup>17</sup> Employment Development Department. *San Joaquin Valley Employment*, 1998.

<sup>18</sup> Employment Development Department *County Snapshots*, 2001.

Stanislaus County has a higher share of agricultural related employment compared to the State as a whole. According to the State Employment Development Department, in Stanislaus County, the share of farm services jobs has increased while the share of farm production jobs has decreased over the past ten years (Figure 2-7). Farm production jobs as a total of all California employment has also decreased over the same period. Farm services are those that support farming, and tend to be less seasonal and higher paying than farm production jobs.

**Figure 2-7**  
**Farming Share of Total Employment, Stanislaus County and California**



Source: California Employment Development Department web site, 2002.

### Regional Jobs-Housing Balance

Assessing the spatial relationship between jobs and housing is not normally relevant at the regional level, where jobs-housing balance is often assumed. However, given the relatively high cost of housing and the concentration of jobs (especially new jobs) in the Bay Area relative to the surrounding regions, the regional distribution of jobs and housing has important planning and quality of life implications. An imbalance of jobs and housing creates issues with traffic congestion, air quality, water quality, fiscal disparity, and housing affordability.

Both Modesto and Stanislaus counties have a higher percentage of residents working in another county compared with California overall, with correspondingly high average commute times (Table 2-8). The counties of San Joaquin, Merced, Madera, and Kings also have a high percentage of out-of-county commuters. As shown in Table 2-9, commute times in Modesto have increased between 1990 and 2000, with drastic increases in the number of

people commuting 20 minutes or more to work (47 percent increase). However, the number of people commuting less than 5 minutes to work also increased by 13 percent.

**Table 2-8  
Commuting in California, San Joaquin Valley Region, Modesto**

Geographic Area	Workers 16 years and over	
	Mean Commute Time (minutes)	% Worked Outside County of Residence
Modesto	25.7	19.5
Stanislaus	26.8	20.9
California	27.7	17.1
Fresno	22.2	7.4
Kern	23.2	6.4
Kings	20.8	20.7
Madera	26.3	31.2
Merced	26.0	25.0
Tulare	21.9	11.8
San Joaquin	29.2	23.5

Source: U.S. Census, 2000.

**Table 2-9  
Modesto Average Commute Times, 1990 and 2000**

Travel Time to Work	1990	%	2000	%	% Change 1990-2000
Less than 5 Minutes	1,953	3%	2,208	3%	13%
5 to 9 Minutes	9,216	15%	9,283	13%	1%
10 to 19 Minutes	29,789	47%	28,960	40%	-3%
20 Minutes or More	21,886	35%	32,268	44%	47%
Total	62,844	100%	72,719	100%	16%

Source: U.S. Census, 2000.

### Employment and Population Projections

The region is expected to grow significantly in the future, and Modesto is expected to be one of the leaders in both population and employment growth. Based on figures provided by Stan COG, only the city of Tracy, located just northwest of Modesto between Stockton and the Bay Area, is expected to have a higher average annual growth rate between 2000 and 2025, compared to Modesto. Of San Joaquin, Merced, and Stanislaus counties, Stanislaus County is expected to have the highest annual growth, as shown in Table 2-10.

**Table 2-10  
Regional Population Growth**

City	2000	2010	2020	Average Annual Growth 2000-2025	% Change, 2000-2025
Modesto	188,856	302,546	418,562	5.31%	133%
Ceres	34,609	47,645	60,053	3.47%	87%
Turlock	55,810	73,707	90,911	2.98%	75%
Unincorp. Stanislaus Co.	110,269	113,427	115,574	0.28%	7%
<b>Total Stanislaus County</b>	<b>446,997</b>	<b>611,510</b>	<b>785,008</b>	<b>3.39%</b>	<b>85%</b>
Merced	63,893	92,014	108,505	3.22%	81%
Unincorp. Merced Co.	70,620	84,182	106,585	2.85%	71%
<b>Total Merced County</b>	<b>215,256</b>	<b>273,923</b>	<b>337,935</b>	<b>2.93%</b>	<b>73%</b>
Lodi	57,900	63,787	69,156	1.02%	25%
Manteca	49,500	64,248	77,699	2.98%	74%
Stockton	247,400	311,033	374,631	2.57%	64%
Tracy	54,200	87,456	117,788	6.14%	153%
Unincorp. San Joaquin Co.	131,400	134,881	138,056	0.26%	7%
<b>Total San Joaquin County</b>	<b>566,600</b>	<b>700,095</b>	<b>821,851</b>	<b>2.36%</b>	<b>59%</b>

Source: Stanislaus COG, San Joaquin COG, Merced CAG.

Note: Stanislaus COG population information was amended to eliminate the projections for the years 2001-2019. The projections above use the average annual growth for the cities and Stanislaus County to estimate the 2005, 2010, and 2015 populations. Annual average growth for cities and counties outside of Stanislaus County were estimated using 2025 population estimates compared to 2000 populations.

The population increase anticipated by the City’s Urban Area General Plan Master Environmental Impact Report is 390,000 by 2025, while the estimated holding capacity of the planning area is 400,000 (Table 2-11).

**Table 2-11  
Modesto Growth Capacity**

Area	Population	Employment	Housing Units	Single-Family Units	Multi-Family Units
Planned Urbanizing Area	148,625	147,898	50,385	39,317	11,068
Baseline Development Area	245,627	111,384	85,839	63,990	21,849
Redevelopment Area	5,772	44,638	2,105	193	1,912
<b>Total</b>	<b>400,024</b>	<b>303,920</b>	<b>138,329</b>	<b>103,500 (75%)</b>	<b>34,829 (25%)</b>

Source: City of Modesto, 2002.

Within the Stan COG region, employment growth is also focused on Modesto, which Stan COG anticipates will add more jobs than the rest of the region combined. The average annual employment growth mirrors that of population growth, as shown in Table 2-12. The population projections from Stan COG reflect the desire to accommodate a more balanced geographic match between jobs and population growth. The County’s total employment in 2020 is projected to be 306,698, which represents an 80 percent increase over the current

level. Not including Modesto, the County is expected to have just a 43 percent increase between 2000 and 2020, according to Stan COG figures.

**Table 2-12**  
**Employment Growth in Stan COG Region, 1990-2025**

Employment	1990	1999	2020	2025	Target % Annual Increase, 1999-2025
Ceres	9,900	12,128	22,479	24,233	3.84%
Hughson	1,228	1,670	3,067	3,264	3.67%
Modesto	65,325	75,645	171,517	180,377	5.33%
Newman	1,397	1,883	3,337	3,531	3.37%
Oakdale	4,519	4,923	8,863	9,341	3.45%
Patterson	3,087	3,846	6,839	7,314	3.47%
Riverbank	2,944	4,334	7,722	8,305	3.52%
Turlock	16,714	19,766	34,623	37,185	3.39%
Waterford	1,503	1,849	3,343	3,559	3.56%
Unincorporated	34,993	42,082	44,908	45,901	0.35%
Total County	141,610	170,125	306,698	323,010	3.46%

Source: Stan COG, 2002.

### Regional Economic Development Trends and Initiatives

The economic conditions in the region are tied to national trends and policy, statewide economic events and legislation, and many other factors. However, some characteristics of the region set it apart economically from the rest of California and the nation, and these economic characteristics have important implications for housing policy.

The cost of living in the Valley is lower than the Bay Area and other parts of metropolitan California. Agriculture remains the highest valued sector of the economy, and agricultural trends can have ripple effects through the rest of the economy. Due in part to the disparity in cost of living between the Valley and the nearby Bay Area, traffic congestion is worsening, especially during peak hours, and is impacting the ability of many regional agencies to provide adequate transportation infrastructure for this expanding demand. This traffic condition is viewed as adversely impacting economic development.

In the Central Valley, some of the key economic trends include:<sup>19</sup>

- Job growth that has eclipsed that of California as a whole, but is slower than labor force growth<sup>20</sup>

<sup>19</sup> Great Valley Center. *Assessing the Region Via Indicators*. May, 1999.

<sup>20</sup> Job growth and labor force growth are similar, but not identical. The labor force may grow, for example, as large numbers of young people enter the labor force, or as men or women that were previously full-time homemakers, seek employment. This would not necessarily be associated with job growth.

- Unemployment that is consistently higher than the rest of the State due to seasonal labor
- Job growth led by addition of service jobs

In Stanislaus County, some of the key economic trends include:

- Decline in agricultural production jobs
- Job growth in service sector (Table 2-13)

**Table 2-13**  
**Stanislaus County Occupations with Job Growth, 1999-2006**

Occupation	Annual Averages		Absolute Change	Percent Change
	1999	2006		
Retail Sales	5,280	6,420	1,140	21.6
Cashiers	3,870	4,810	940	24.3
Clerks	3,200	3,810	610	19.1
Food Service	2,580	3,110	530	20.5
Managers, Executives	3,320	3,830	510	15.4
Truck Drivers, Light	2,160	2,620	460	21.3
Teacher Aides	1,550	1,960	410	26.5
Waiters and Waitresses	1,910	2,310	400	20.9
Truck Drivers, Heavy	2,350	2,730	380	16.2
Elementary School Teachers	3,220	3,580	360	11.2
Assembly Workers	1,130	1,430	300	26.5

Source: Employment Development Department, 2002.

The Stanislaus County Board of Supervisors established the Stanislaus County Workforce Investment Board (WIB), charged with strategic planning and policy oversight of a system for workforce development. Stanislaus County provides access to Workforce Development Services to employers, job and information seekers, serving an average of 5000 customers a month per center. Partners are Stanislaus County (represented by the Community Service Agency and Department of Employment and Training), the Stanislaus County Economic Development Corporation (SCEDCO), and the local office of the California Employment Development Department.

## D. LOCAL POPULATION AND ECONOMIC CHARACTERISTICS

### Population

As of 2000, Modesto's total population was 188,856, representing an average annual increase of 3.8 percent between 1980 and 2000 and 1.5 percent between 1990 and 2000.<sup>21</sup> Modesto's 15 percent increase in population between 1990 and 2000 nearly mirrored the 14 percent population increase in California during the same period. The 2002 population is estimated at 199,000, a 5.4 percent increase over the 2000 population.

According to the most recent population projections adopted by Stan COG, population growth is expected to increase dramatically over the next 20 years, compared to the last 20 years. Population growth in Modesto is also anticipated to be relatively greater than surrounding communities, as shown in Table 2-14. Between 1950 and 1990, Modesto's share of the County population increased from 14 percent to 45 percent.<sup>22</sup> As of 2000, the Modesto population was approximately 42 percent of the County total and according to Stan COG is expected to increase to more than 53 percent of the County total by 2025. Overall, Modesto is projected by Stan COG to account for more than 66 percent of the County population growth between 2000 and 2025. However, the City's General Plan Master Environmental Impact Report (MEIR) projects a more realistic outlook of growth given the City's infrastructure and resource constraints and the desire to maintain and enhance the quality of life for the community. According to the MEIR, population in Modesto may reach 400,000 by 2025, as compared to the Stan COG's projection of 418,562 by 2020.

In general, Modesto became more ethnically diverse between 1990 and 2000 (see Table 2-15). The White population decreased as a share of the City population from 73 percent to 60 percent during the census period. While the African American population increased by approximately 66 percent, compared to only 4 percent increase for California as a whole, the overall representation of African Americans in Modesto is low. The Hispanic population increased significantly by 79 percent, while for California the increase was approximately 43 percent. The number of Asians and Pacific Islanders, however, decreased in Modesto despite a 39 percent increase statewide.

Cultural practices, which are often related to ethnic backgrounds, have implications for housing policy. It is important, as Modesto becomes more diverse, for the evolving set of housing programs and policies to be attuned to any special needs of different populations, and for the City to take necessary steps to involve residents of different backgrounds in the Housing Element planning process. The large Hispanic increase highlights a special need to ensure that housing services are accessible to Spanish-speaking individuals.

<sup>21</sup> U.S. Census, 1980, 1990, and 2000.

<sup>22</sup> City of Modesto. *Analysis of Impediments to Fair Housing*. May 1996. Page 10.

**Table 2-14  
Modesto and Surrounding Communities Populations, 1980-2020**

Jurisdiction	1980	1990	2000	2010	2020	# Change 1990- 2000	% Change 1990- 2000	% Change 2000- 2010	% Change 2000- 2020
Modesto	106,963	164,730	188,856	302,546	418,562	24,126	15%	60%	122%
Turlock	26,287	42,224	55,810	73,707	90,911	13,586	32%	32%	63%
Ceres	13,281	26,413	34,609	47,645	60,053	8,196	31%	38%	74%
Stockton	149,779	210,943	243,771	311,033	374,631	32,828	16%	28%	54%
Merced	36,499	56,155	63,893	92,014	108,505	7,738	14%	44%	70%
Lodi	35,221	51,874	56,999	63,787	69,156	5,125	10%	12%	21%

Source: Stanislaus COG, San Joaquin COG, Merced CAG.

Note: Stanislaus COG population information was amended to eliminate the projections for the years 2001-2019. The projections above use the adopted annual increases for the cities and Stanislaus County to estimate the 2005, 2010, and 2015 populations. Annual increases for communities outside of Stanislaus County were estimated using 2025 population estimates compared to 2000 populations.

**Table 2-15  
Race and Ethnicity in Modesto and California, 1990 and 2000**

Race/Ethnicity	Modesto						California
	1990		2000		Change '90-'00		Change '90-'00
	#	%	#	%	#	%	%
White	119,529	73%	112,466	60%	-7,063	-6%	-7%
African American	4,234	3%	7,013	4%	2,779	66%	4%
Native American	1,416	1%	1,435	1%	19	1%	-3%
Asian or Pacific Islander	12,384	8%	11,956	6%	-428	-3%	39%
Hispanic	26,920	16%	48,310	26%	21,390	79%	43%
Other	247	0%	7,676	4%	7,429	N/A	28%
Total	164,730	100%	188,856	100%	24,126	15%	14%

Source: U.S. Census, 2000.

Note: Other in 2000 includes those that cite two or more races. N/A = not applicable.

## **Concentration of Minority Population**

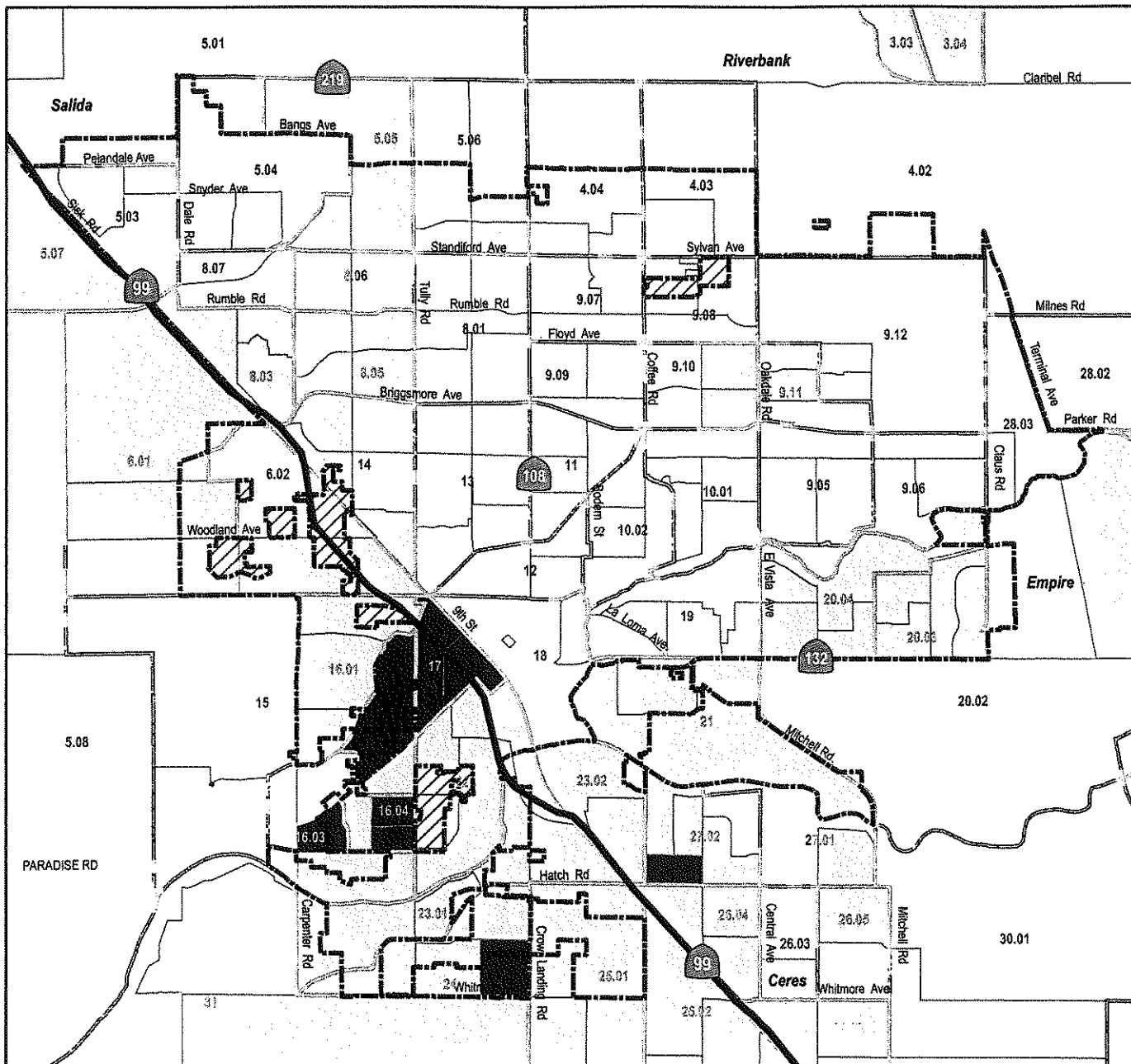
Census data is used to identify portions of the City where, due to large numbers of people with particular ethnic backgrounds, certain services may be necessary to ensure an adequate provision of housing. In areas where the City's minority population is concentrated, provision of housing information and services in different languages may be necessary, and housing discrimination issues may be particularly important.


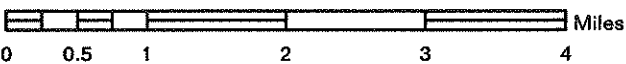
In Modesto, areas southwest of Downtown and in general southwest of the Highway 99 corridor have higher concentrations of minority households (Figure 2-8). The area northwest of Paradise Road and southwest of Highway 99 has minority concentrations of more than 60 percent, and is an area with older housing stock, lower home values, lower rental costs, and lower median incomes. In the eastern part of the City, east of El Vista Avenue and near the southern City boundary is another area of relatively high minority concentration. Most of the northern and northeastern portions of the City have low minority concentrations – 30 percent or less.

## **Household Types**

A "household" is any group of people occupying a housing unit. Though most people think of a household as a family, there are many other types of households, including single persons living alone, families living together, or unrelated persons who share living quarters. Persons living in retirement or convalescent homes, dormitories, or other group living situations are not considered households. Both household size and household type are important to consider when planning for housing since different types and sizes of households require different types of housing and potentially different community services.




Modesto had approximately 58,000 households in 1990 and 65,000 households in 2000, representing an increase of 12 percent, close to California's 11 percent increase (Table 2-16). Surprisingly, Modesto had a fairly large increase in married couples with no children (11 percent), but numeric and proportional decreases in married couples with children (739, 4 percent). This pattern is somewhat unusual since California had a 13 percent increase in families with children during the same period. Married couples without children generally have different housing needs compared to those families with children.






 GIS maps prepared by: Cotton/Bridges/Associates  
**NORTH** Source: City of Modesto and 2000 Census (SF-1 and SF-3)  
 Miles



**Ethnic and Racial Concentrations (Block Group)**

	0.0% - 30.4%	Concentration
	30.5% - 60.8%	Moderate Concentration
	60.9% - 100%	High Concentration

	City Boundary
	County Islands
	Census Tracts (2000)

City of Modesto Ethnic and Racial Average is 30.4%.  
 Ethnic and Racial Composition includes Hispanic, African-American, Asian, Pacific Islander, American Indian, and Two or More Races.

Figure 2-8

# Concentration of Minority Households

**Table 2-17**  
**Modesto 2002 Estimates**

Total	Total Households	Vacancy Rate	Average Household Size
198,633	69,848	3.30	2.9

Source: California Department of Finance, 2001.

## Tenure

Modesto is a family-oriented community, where most prefer owning their own homes to renting. Homeownership rates in Modesto and Stanislaus County were higher than California as a whole, especially for the 25- to 34-year-old range (Table 2-18).<sup>23</sup> People in this age range are usually first-time homebuyers with smaller household size. In 2000, homeownership rates continue to be higher for Modesto and Stanislaus County residents, but the differences compared to California are less pronounced than in 1990.

**Table 2-18**  
**Tenure by Age**

Age of Householder	Modesto		California Rate of Tenure by Householder Age	Stanislaus County Rate of Tenure by Householder Age
	Number	Rate of Tenure by Householder Age		
Total:	65,103	100%	100%	100%
Owner occupied:	38,316	59%	57%	62%
Householder 15 to 24 years	455	14%	11%	17%
Householder 25 to 34 years	4,266	39%	31%	43%
Householder 35 to 44 years	8,968	57%	54%	60%
Householder 45 to 54 years	9,322	66%	66%	69%
Householder 55 to 59 years	3,453	74%	72%	76%
Householder 60 to 64 years	2,783	76%	74%	76%
Householder 65 to 74 years	4,804	74%	76%	77%
Householder 75 to 84 years	3,480	72%	75%	75%
Householder 85 years and over	785	56%	66%	66%
Renter occupied:	26,787	41%	43%	38%
Householder 15 to 24 years	2,803	86%	89%	83%
Householder 25 to 34 years	6,725	61%	69%	57%
Householder 35 to 44 years	6,754	43%	46%	40%
Householder 45 to 54 years	4,727	34%	34%	31%
Householder 55 to 59 years	1,222	26%	28%	24%
Householder 60 to 64 years	896	24%	26%	24%
Householder 65 to 74 years	1,710	26%	24%	23%
Householder 75 to 84 years	1,339	28%	25%	25%
Householder 85 years and over	611	44%	34%	34%

Source: U.S. Census, 2000.

<sup>23</sup> Department of Housing and Community Development, *Statewide Housing Plan*, 1997.

One way to determine demand for different types of housing relative to the supply is to look at prices and affordability. Table 2-19 shows housing costs as a percentage of income (which effectively controls for different costs of living) for Modesto, the San Joaquin Valley region, and California as a whole. Overall, a higher proportion of households in Modesto pay more than 30 percent of their income on housing than those in San Joaquin Valley. Specifically, Modesto has a higher percentage of renter-households using more than 35 percent of their household income for housing, while the share of owner-households paying more than 35 percent of their income for housing is lower than for California as a whole. This suggests that, as of 2000, affordable rental housing was more difficult to find than for-sale housing in the City.

Compared to East Bay counties such as Alameda, the proportions of households paying more than 30 percent of income on housing is higher for renter-households (45 percent) and lower for owner-households (28 percent) in Modesto. For example, the proportion of households expending more than 30 percent of household income on housing is 31 percent for owners and 41 percent for renters in Alameda County, and 30 percent for owners in Contra Costa County. In 1990, 46 percent of renters and 26 percent of owners paid more than 30 percent of their incomes on housing in Modesto. The increase in owner housing cost burden and persistence in rental housing cost burden may be due to an influx of commuting households with higher household incomes, pushing up the housing prices.

**Table 2-19**  
**Housing Costs as Percentage of Household Income**

Percentage of Household Income Spent on Housing	Modesto	San Joaquin Valley	California
<b>Rental Housing</b>			
Less than 15 percent	13.9%	15.0%	14.6%
15 to 19 percent	14.5%	13.3%	13.6%
20 to 24 percent	12.4%	12.0%	13.1%
25 to 29 percent	11.3%	9.9%	11.1%
30 to 34 percent	8.0%	7.7%	8.2%
35 percent or more	36.6%	34.8%	34.1%
<b>Owner-Occupied Housing</b>			
Less than 15 percent	29.1%	29.0%	28.0%
15 to 19 percent	16.2%	15.7%	14.6%
20 to 24 percent	14.4%	15.6%	14.1%
25 to 29 percent	11.2%	11.9%	11.3%
30 to 34 percent	7.6%	7.1%	8.0%
35 percent or more	20.7%	20.1%	23.2%

Source: U.S. Census, 2000.

## Household Incomes

Among the many factors influencing housing opportunity, household income is one of the most important. With limited household income, trade-offs among basic life needs can constrain housing choice and opportunity. Income levels are highly variable among households and affect choices such as tenure, housing type, and location.

Modesto's income levels tend to be higher than in the region and lower than in the State, while poverty levels tend to be higher than statewide levels and lower than the region (Table 2-20). The region's higher proportion of lower-income households and households living in poverty may be an indicator of the high level of agricultural employment in the region.

Overall, female-headed families are more impacted by poverty than other family types. As discussed before, the group experiencing the largest growth in Modesto is "other families," which is comprised primarily with single-parent households, particularly female-headed households. The need for housing and services for female-headed households with children in Modesto is on the rise.

**Table 2-20**  
**Income in Modesto, Region, State**

Geographic Area	Median Household Income	Median Family Income	Per Capita Income	% below Poverty Level (Families)	% below Poverty Level (Female-Headed Families)	% below Poverty Level (Individuals)
Modesto	\$40,394	\$45,681	\$17,797	12.2%	29.6%	15.7%
Region	\$36,638	\$40,140	\$15,541	16.0%	36.5%	20.5%
California	\$47,493	\$53,025	\$22,711	10.6%	25.0%	14.2%

Source: U.S. Census, 2000.

As shown in Table 2-21, owner-households are better represented in the higher income categories than are renter-households. Elderly renter-households and large family renters are particularly concentrated in the extremely low and low-income categories (less than 50 percent of Area Median Income). Without adequate rental housing choice and affordability, lower-income households may experience overcrowding or have to assume a housing cost burden, among other problems.

**Table 2-21  
Income Level by Tenure**

Household Type	Income Level (as % of Area Median Income)					Total
	0-30%	31-50%	51-80%	81-95%	95%+	
<b>Renter</b>						
Total Households	14%	20%	22%	8%	36%	100%
Elderly	19%	38%	23%	7%	12%	100%
Small Family	16%	14%	20%	9%	40%	100%
Large Family	13%	26%	27%	7%	27%	100%
Other	9%	14%	20%	8%	48%	100%
<b>Owner</b>						
Total Households	4%	6%	11%	7%	72%	100%
Elderly	9%	15%	23%	11%	43%	100%
Small Family	2%	2%	6%	5%	85%	100%
Large Family	2%	4%	9%	9%	76%	100%
Other	4%	4%	10%	7%	75%	100%
Total	8%	11%	15%	8%	58%	100%

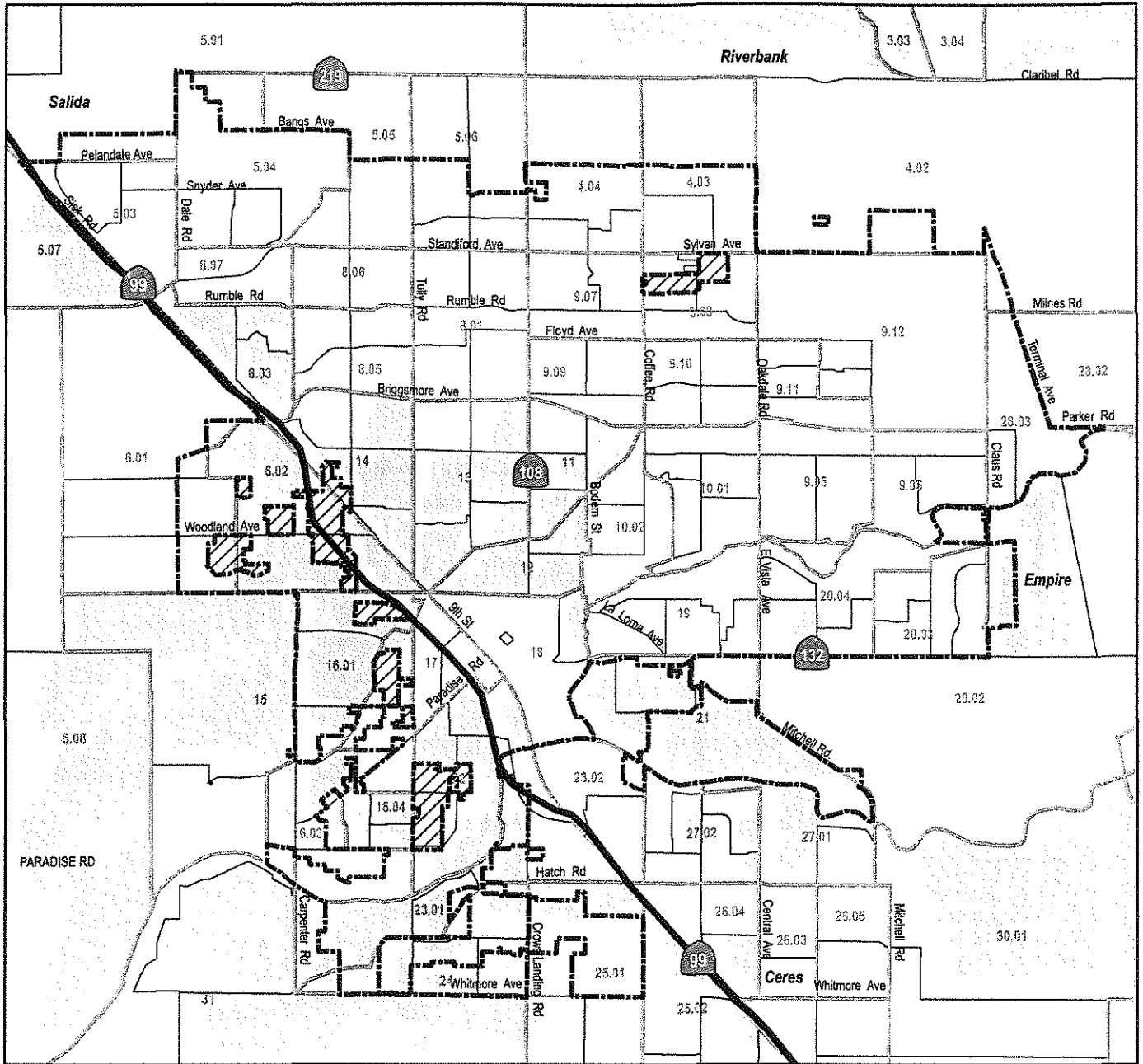
Source: HUD CHAS, 1993.


**Low Income Target Areas**

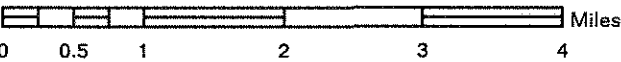
The previous information deals with income at the household level for the City as a whole. Planning for the City's housing needs also requires some understanding of the variability of household incomes, housing stock, and other information at the neighborhood level. In some cities, neighborhoods with higher concentrations of lower income households experience deferred maintenance and instability, which can create problems related to adequate housing.

Lower-income households are more common near Modesto's downtown and along the Highway 99 corridor, as well as the airport area and along the Tuolumne River. Figure 2-9 shows low-income areas of the City by Census block group, as determined by HUD.<sup>24</sup> These are many of the same areas of the City that have relatively older housing stock and lower median gross rental rates.

<sup>24</sup> Low-Income Target Areas include block groups with more than 51 percent of the population earning no more than 80 percent of the County Median Family Income.



 GIS maps prepared by: Cotton/Bridges/Associates  
 Source: City of Modesto, 2000 Census (SF-1 and SF-3) and  
 U.S. Department of Housing and Urban Development, 2000.



**Low-Income Target Areas**

-  Low-Income Target Groups defined by census block groups with 51% or more low and moderate income population
-  City Boundary
-  County Islands
-  Census Tracts (2000)

Figure 2-9  
**Low-Income Target Areas**

## Employment

The types of jobs held by Modesto residents, as mentioned earlier, mirror those of the region and California as a whole. During the census period (between 1990 and 2000), service occupations had the largest increase for Modesto residents, which is typical of the time period for most cities in California. The proportion of Modesto residents employed in farming and as machine operators/laborers decreased. Overall, Modesto's employed population increased by 10 percent, while the overall population increased by 15 percent (Table 2-22). Major employers in Modesto include those associated with agriculture, health care, and government (Table 2-23). These industries typically offer a large proportion of lower-paying jobs.

**Table 2-22**  
**Occupations of Modesto Residents, 1990 and 2000**

Occupation	1990		2000		% Change 1990 - 2000
	#	%	#	%	
Managerial/Professional	16,729	24%	21,760	28%	30%
Sales, Technical, Admin.	23,274	33%	21,200	28%	-9%
Service Occupations	8,684	12%	12,206	16%	41%
Production, Craft & Repair	9,103	13%	12,349	16%	36%
Operators/Fabricators/Laborers	10,511	15%	8,079	11%	-23%
Farming, Forestry, and Fishery	1,362	2%	973	1%	-29%
<b>Total Employed Residents</b>	<b>69,663</b>	<b>100%</b>	<b>76,567</b>	<b>100%</b>	<b>10%</b>

Source: U.S. Census, 1990, 2000.

Note: Occupation categories changed slightly between the 1990 and 2000 Censuses.

**Table 2-23**  
**Major Employers in Modesto**

Employer	Type of Services
County of Stanislaus	Individual and Family Services
Doctor's Medical Center	Hospitals
JM Equipment	Machinery, Equipment, and Supplies
Memorial Medical Center	Hospitals
Modesto Bee	Newspapers
Modesto Junior College	Colleges and Universities
Prompt Care-Memorial Hospital	Hospitals
Raycor Division	General Industrial Machinery
Save Mart Supermarkets Inc	Grocery Stores
Stanislaus Food Products	Preserved Fruits and Vegetables
Sysco Food Svc of Modesto Inc	Groceries and Related Products
Tri Valley Growers	Preserved Fruits and Vegetables

Source: Data from the California Employment Development Department.

While some Modesto residents work in higher-paying occupations, many others work in the service sector, providing essential services to residents and businesses in the community. These residents may not be able to afford adequate housing in the City. Table 2-24 shows the average salary of selected jobs in Modesto. Many of these are low-paying jobs that fall within the lower-income categories. The City is expected to see the addition of an estimated 106,000 jobs by 2020, many of which, particularly those in the service sector, will be lower paying. Housing costs, as estimated by the median home price, have increased dramatically – by 37 percent in Modesto between 2000 and 2002.<sup>25</sup> As a result, homeownership is becoming increasingly difficult to achieve for moderate-income working professionals, and is almost out of reach for lower-income households.

**Table 2-24**  
**Modesto Annual Salaries, Selected Occupations, 2000**

Occupation	Mean Annual Wage	% of County Average Income
Social and Community Service Managers	\$44,140	101%
Community and Social Services Occupations	\$36,863	84%
Child, Family, and School Social Workers	\$35,377	81%
Medical and Public Health Social Workers	\$50,531	115%
Health Educators	\$23,029	52%
Social and Human Service Assistants	\$27,015	62%
Clergy	\$16,657	38%
Preschool Teachers, Except Special Education	\$22,636	52%
Special Education Teachers, Middle School	\$54,796	125%
Emergency Medical Technicians and Paramedics	\$21,345	49%
Healthcare Support Occupations	\$23,344	53%
Home Health Aides	\$19,412	44%
Nursing Aides, Orderlies, and Attendants	\$18,721	43%
Dental Assistants	\$23,403	53%
Medical Assistants	\$27,956	64%
Child Care Workers	\$17,160	39%
<b>Total all occupations</b>	<b>\$30,977</b>	<b>71%</b>

Source: California Employment Development Department

Note: County Median Income in 2000 was \$43,900.

Unemployment rates in 2000 were slightly lower in Stanislaus County (10.4 percent) and Modesto (9.3 percent) than in 1990 – 11.8 percent and 10.5 percent, respectively. As of October 2002, the unemployment rate in Modesto (9.2 percent) continued to be lower than Stanislaus County (10.3 percent), but higher than that for California (6.2 percent), though the California data is seasonally adjusted, while the County and City data are not.<sup>26</sup>

<sup>25</sup> According to second quarter median home sales price data from the California Association of Realtors.

<sup>26</sup> Employment Development Department web site, 2002.

## Jobs-to-Housing Ratio

Modesto's jobs-to-households ratio is higher than that of San Joaquin County, at 1.1, according to Stan COG estimates, though it is unclear to what extent the jobs are geographically matched with the population (Table 2-25).<sup>27</sup> The Census identifies 76,567 employed persons in Modesto, averaging 1.12 wage-earners per household. A jobs-housing ratio of 1.1 seems to indicate that the City does offer an adequate number of jobs. The jobs-housing issues confronting the City seem to relate more to the spatial mismatch between the jobs located in Modesto and the people working those jobs, as evidenced by the large number of commuters crossing the Altamont Pass daily. Of equal concern is the mismatch between the types of jobs offered and associated pay scales, and the costs of housing in the City.

**Table 2-25**  
**Households and Employment, Modesto and Stanislaus County**

Geographic Area	Households	Employment	Jobs to Households
Ceres	10,967	12,128	1.1
Hughson	1,263	1,670	1.3
Modesto	67,959	75,645	1.1
Newman	2,047	1,883	0.9
Oakdale	5,778	4,923	0.9
Patterson	3,147	3,846	1.2
Riverbank	3,907	4,334	1.1
Turlock	18,658	19,766	1.1
Waterford	1,873	1,849	0.9
Unincorporated County	39,328	42,082	1.1
Total County	154,927	168,126	1.1

Source: Stan COG, 2002; U.S. Census, 2000.

According to Census and Stan COG figures, the number of jobs in Modesto increased more than the housing stock or number of employed residents. The jobs-housing ratio increased by 5 percent between 1990 and 2000 (Table 2-26). The City also experienced a greater growth in residents employed in service and production/craft/repair occupations that tend to pay lower wages (refer to Table 2-24). On one hand, the City is facing the difficult issue of addressing the need for housing affordable to residents at these pay scales; on the other hand, the City must diversify its employment base to offer well-paid jobs to residents and to reduce the need for commuting to the East Bay for employment opportunities. As a community striving to achieve a balance in housing and job opportunities, improve quality of life, and become a more sustainable community, the City must devise and implement an economic development strategy that works hand-in-hand with the housing strategy.

<sup>27</sup> Stan COG. *Regional Housing Needs Assessment*. Appendix III. October 2002. The Stan COG estimates are for 1999 and the figures shown do not reflect the 2000 Census, but are useful in comparing jobs to household balances.

**Table 2-26**  
**Households and Employment, Modesto 1990-2000**

Year	Total Housing Units	Jobs in Modesto	Jobs to Housing Ratio	Modesto Employed Residents
1990	60,878	65,325	1.07	69,663
2000	67,179	75,645	1.12	76,567
Percent Change, 1990-2000	10%	16%	5%	10%

Source: U.S. Census, 2000; Stan COG, 2002.

### Local Economic Development Trends and Initiatives

As discussed above, the jobs-to-housing ratio in Modesto is improving and is better on the aggregate level than in many other cities in the region. However, because of an increasing number of residents who work out of the City and County, and an increasing number of workers in Modesto who live elsewhere, traffic congestion is becoming worse, impacting the City's ability to provide adequate transportation infrastructure and expand economic opportunities. The Inter-Regional Partnership (IRP), a partnership formed in 1998 consisting of 15 selected officials from 5 counties — Alameda, Contra Costa, San Joaquin, Santa Clara, and Stanislaus — indicates that the most effective incentives for economic development in job-poor areas would be those that:

1. Improve their competitive position in the marketplace by reducing the cost of off-site improvements;
2. Improve the quality of the workforce; and/or,
3. Reduce the time for processing local development proposals.<sup>28</sup>

In the City, though plenty of land may be zoned to allow economic development, the cost of providing infrastructure to this land, especially transportation infrastructure, is seen as a constraint to development.<sup>29</sup> Adaptive reuse of redevelopment areas and existing buildings is a potential mechanism for economic development with less-burdening infrastructure costs.

Modesto's Community and Economic Development Department has several programs intended to encourage economic activity that will benefit current and future residents:

- Modesto Redevelopment Project Area Incentives
- Economic Development Revolving Loan Program
- Economic Development Revenue Bonds
- Enterprise Designation Areas

<sup>28</sup> King, James R. *Managing the Consequences of Prosperity: A Report for the Inter-regional Partnership*. January 10, 2001.

<sup>29</sup> Linda Boston, City of Modesto Business Development Manager, personal correspondence, December 13, 2002; and, Bill Bassett, CEO of Stanislaus Economic Development and Workforce Alliance, personal correspondence, December 12, 2002; King, James R., page i-ii.

In the interest of promoting a vibrant economy, the City has prepared an Economic Development Action Plan as a component of an overall Strategic Plan. The Action Plan includes goals, strategies, and actions that are largely focused on public utility and service provision. Some of the actions and policies are relevant for consideration in development of the Housing Element update (Table 2-27).

**Table 2-27  
Relevant Economic Development Action Plan Policies and Actions**

Section of Action Plan	Relevance for Housing Goals, Programs, and Policies	Relevant Action Plan Policies and Actions
Infrastructure	Moderate	<ul style="list-style-type: none"> <li>▪ Conduct annual rate reviews/cost-of-service analyses for water, sewer, and storm drainage.</li> <li>▪ Benchmark against other similar utilities to provide comparable costs.</li> <li>▪ Provide dependable service delivery at rates comparable to or less than elsewhere in the state.</li> <li>▪ Develop internal strategies to focus key resources on preventive and/or proactive infrastructure maintenance.</li> </ul>
Water and Wastewater	Moderate	<ul style="list-style-type: none"> <li>▪ Develop Water and Wastewater Master Plan that includes: water and wastewater quality; water supply/quantity and wastewater; treatment capacity; water source identification; growth impacts analysis; opportunities for regional facilities; conservation strategies (water meters, variable water rates, etc.); infrastructure needs (business parks, etc.)</li> <li>▪ Seek rate increases adequate to fund water/wastewater master plan strategies.</li> <li>▪ Develop a comprehensive water and wastewater strategy.</li> <li>▪ Update and adopt the Urban Water Management Plan Update to address water supply issues related to growth and water quality.</li> </ul>
Solid Waste	Low	N/A
Transportation	Moderate	<ul style="list-style-type: none"> <li>▪ Orient new development toward multi-modal and non-motorized modes.</li> </ul>
Communications and Technology	Low	N/A
Land Use	High	<ul style="list-style-type: none"> <li>▪ Mix land uses within neighborhoods.</li> <li>▪ Create development incentives to encourage compact development and ensure planning/zoning codes facilitate this development.</li> <li>▪ Prepare comprehensive General Plan Housing Element that includes a Housing Overlay for the General Plan.</li> <li>▪ Create housing opportunities and choices for a range of household types, family sizes and incomes.</li> <li>▪ Increase multi-family residential and affordable housing inventory.</li> <li>▪ Establish aesthetic criteria for evaluation of projects.</li> <li>▪ Identify and prioritize farmland/open space areas for preservation as community buffers.</li> <li>▪ Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.</li> <li>▪ Identify ultimate urban limit lines based on logic, economy of scale, and agricultural land use (including soil quality).</li> <li>▪ Reinvest in and strengthen existing communities and achieve more balanced regional development.</li> <li>▪ Upgrade infrastructure and target infill areas for development.</li> <li>▪ Perform a comprehensive revision of the City's Zoning Code, to include developing set criteria for evaluating projects that apply to all</li> </ul>

**Table 2-27**  
**Relevant Economic Development Action Plan Policies and Actions**

Section of Action Plan	Relevance for Housing Goals, Programs, and Policies	Relevant Action Plan Policies and Actions
		<p>development proposals.</p> <ul style="list-style-type: none"> <li>▪ Encourage citizen and stakeholder participation in development decisions.</li> <li>▪ Establish project review method that includes public participation and community meetings.</li> <li>▪ Increase the efficiency of the permit process to ensure it is customer friendly and informative.</li> <li>▪ Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development.</li> <li>▪ Conduct a study to determine the optimal mix of land uses for a healthy economy and recommend changes to development proposals.</li> <li>▪ Establish annexation policy based upon the City's ability to assimilate new development and on the desire of residents to join the City, combined with the willingness of the County to provide infrastructure upgrades.</li> <li>▪ Scrap the 5-year inventory policy in favor of growth by ability to provide infrastructure and maintenance of service delivery standards.</li> </ul>
Regional Cooperation	Moderate	N/A
City Finances	High	<ul style="list-style-type: none"> <li>▪ Review and update fees and charges (CFF, etc.) on a regular basis to ensure that fees are adequate.</li> </ul>
Education and Workforce Development	Low	<ul style="list-style-type: none"> <li>▪ Explore partnering with the County to develop child care programs that meet the needs of downtown workers.</li> </ul>
Downtown Vibrancy	High	<ul style="list-style-type: none"> <li>▪ Encourage infill and revitalization by revising fee structure for development within downtown core.</li> <li>▪ Adopt developer incentives for high-density housing.</li> <li>▪ Construct a flagship housing development in downtown.</li> </ul>
Business	Low	
Open Space, Agriculture, and Environment	Moderate	<ul style="list-style-type: none"> <li>▪ Increase the General Plan open space standard.</li> <li>▪ Design and construct community infrastructure and amenities during the initial phases of new development.</li> </ul>
Redevelopment	High	<ul style="list-style-type: none"> <li>▪ Use state-required 20% housing set-aside funds to improve and increase the amount of low to moderate-income housing.</li> <li>▪ Focus housing set-aside funds within the redevelopment area.</li> <li>▪ Encourage expansion of the Redevelopment Area to include declining/underdeveloped portions of the City (i.e. Yosemite Corridor).</li> <li>▪ Look at opportunities to encourage people to develop vacant buildings.</li> </ul>
Marketing	Moderate	N/A

## Special Needs Groups

Certain groups have greater difficulty in finding acceptable, affordable housing due to special circumstances relating to employment and income, household characteristics, and disabilities. Special needs groups, for the purposes of this analysis include:

- Seniors
- Persons with disabilities
- Large households
- Single-parent households (female-headed households with children, in particular)
- Homeless persons
- Agricultural workers

Each special needs group has particular housing needs. Table 2-28 identifies the special needs populations. While single mothers with children continue to outnumber single fathers with children, single-father households experienced the largest increase of the special needs populations, at 78 percent. Single mothers with children increased in the City by 40 percent and represented 74 percent of the single-parent households with children in 2000. Farmworkers in Modesto decreased in population, with a migration toward unincorporated areas of the County.

**Table 2-28**  
**Special Needs Groups, 1990 – 2000**

Special Needs Group	1990		2000		% Change, 1990- 2000
	Persons	Households	Persons	Households	
Seniors (65+)	17,268	--	20,962	--	21%
Senior Households	--	12,067	--	12,773	6%
Single Parents with Children	--	5,485	--	8,122	48%
Mothers w/ Child	--	4,295	--	5,998	40%
Fathers w/Child	--	1,190	--	2,124	78%
Large Households*	--	7,749	--	10,054	31%
Farmworkers	1,362	--	1,351	--	-29%

Source: U.S. Census 1990, 2000.

\* Five or more household members

## Persons with Disabilities

Physical, mental, and/or developmental disabilities may prevent a person from working, restrict one's mobility, or otherwise make caring for oneself difficult. Individuals with physical and mental disabilities often have special needs related to housing that go unmet by the private housing market. Special issues relate to inability to earn a sufficient income for market rate housing, the lack of accessible and affordable housing, and the need for supportive services.

The 2000 Census documented the following disabilities: sensory, physical, mental, self-care, going-outside-home, and employment. Due to the large range of disabilities recorded, the proportion of residents with one or more disabilities reported by the 2000 Census generally is larger than that reported in the 1990 Census. According to the 2000 Census, more than 38,000 residents in Modesto had one or more disabilities, representing approximately 22 percent of the total population (Table 2-29). However, almost half of the non-senior adults with disabilities are employed.

**Table 2-29**  
**Disability and Employment Status of Modesto Residents Aged 5+**

Disability Status	Total	Male	Female
Age 5 to 15	36,734	18,667	18,067
With a Disability	2,285	1,485	800
No Disability	34,449	17,182	17,267
Age 16 to 20	14,567	7,105	7,462
With a Disability	2,229	1,124	1,105
Employed	42%	47%	37%
Not Employed	58%	53%	63%
No Disability	12,338	5,981	6,357
Age 21 to 64	102,510	49,370	53,140
With a Disability	24,593	12,408	12,185
Employed	50%	58%	41%
Not Employed	50%	42%	59%
No Disability	77,917	36,962	40,955
Age 65+	19,727	7,975	11,752
With a Disability	9,250	3,574	5,676
No Disability	10,477	4,401	6,076

Source: U.S. Census 2000.

Note: Totals may deviate slightly from 100% count of population.  
Figures in this table are based on Census sample data.



Among the Modesto children with disabilities, most are inflicted with mental disabilities, which include development disabilities (Table 2-30). Among the disabled persons age 16 to 64, physical disabilities, going-outside-home disabilities, and employment disabilities are most common. Seniors age 65 or above are more impacted by physical and going-outside-home disabilities than other types of disabilities. To accommodate the housing needs for persons with disabilities, housing designs must be particularly sensitive to the constraints caused by physical and sensory disabilities. Modesto has a number of State-licensed community care facilities to meet the needs of persons with special needs, including those related to physical and mental disabilities, as summarized in Table 2-31.

**Table 2-30  
Disability Type by Age**

<b>Disability Type</b>	<b>% of Total</b>
Age 5 to 15 with Disabilities	2,285
Sensory Disability	18%
Physical Disability	13%
Mental Disability	61%
Self-Care Disability	9%
Age 16 to 64 with Disabilities	26,822
Sensory Disability	7%
Physical Disability	20%
Mental Disability	14%
Self-Care Disability	6%
Going-Outside-Home Disability	20%
Employment Disability	35%
Age 65+ with Disabilities	9,250
Sensory Disability	16%
Physical Disability	33%
Mental Disability	15%
Self-Care Disability	12%
Going-Outside-Home Disability	24%

Source: U.S. Census 2000.

Note: A person may report multiple disabilities.

**Table 2-31  
Licensed Community Care Facilities**

Facility Type	# of Facilities	Capacity of Facility
Small Family Home	2	8
Group Home	7	44
Adult Residential	23	299
Residential-Elderly	40	1,096
Social Rehabilitation Facility	1	6
Adult Day Care	5	546
<b>Total</b>	<b>78</b>	<b>1,999</b>

Source: State of California Department of Social Services, Community Care Licensing Division, 2001.

**Senior Households**

Senior persons often have special housing needs for three key reasons: income, health care costs, and physical disabilities. Some of the most important issues for seniors are presented in Table 2-32. Among the senior population in Modesto, 27 percent of all seniors live alone (Table 2-33). This proportion is significantly higher than in California and indicates a need for housing options designed to meet senior needs.

**Table 2-32  
Housing Issues of Special Importance to Seniors**

Senior Issues	Description	Incidence in Modesto
Fixed/Limited Income	Many seniors have a limited, and/or fixed income from which they pay for health care, housing, and other expenses.	Approximately 33 percent of senior households in Modesto have low or very low incomes.
Disabilities	Seniors have physical disabilities at a higher rate than does the general population. Senior homeowners, particularly elderly women, may require assistance in performing regular home maintenance or repair activities due to physical limitations or disabilities.	Out of the senior population in the City, 37 percent have a disability.
Cost Burden	Limited income and a lack of affordable housing leads to a cost burden (more than 30 percent of one's income spent on housing).	61 percent of renter senior households in the City experience a housing cost burden.

**Table 2-33  
Senior Population**

Category	Modesto		California % of Senior Persons
	Number of Persons	% of Senior Persons	
Total:	20,962	100%	100%
In households:	19,325	92%	95%
In family households:	13,146	63%	67%
Householder:	6,867	33%	34%
In nonfamily households:	6,179	30%	28%
Living alone	5,574	27%	7%
In group quarters:	1,637	8%	5%
Institutionalized population	1,144	5%	3%
Noninstitutionalized population	493	2%	1%

Source: U.S. Census, 2000.

Many senior households in Modesto pay more than 30 percent of their often-limited and small incomes on housing. According to the 2000 Census, 26 percent of the senior owner households and 59 percent of the senior renter households assumed a housing cost burden of more than 30 percent of their incomes (Table 2-34). Affordable housing opportunities for seniors, particularly those who rent, are needed in Modesto. Several housing developments in the City offer affordable housing for seniors. These include the Sherwood Manor and Conant Place.

**Table 2-34  
Housing Cost Burden among Senior Households**

Senior Households	Owner	Renter	Total
Total Households	9,069	3,660	12,729
Paying More than 30% of Income on Housing	26%	59%	35%

Source: U.S. Census, 2000

The special needs of seniors can be met through:

- Congregate care
- Other senior housing with supportive services
- Transportation services
- Architecture to accommodate disabilities
- Rent subsidies
- Shared housing programs
- Housing rehabilitation assistance

Social and supportive services are available from the City's Parks, Recreation and Neighborhoods Department, as well as the Stanislaus County Department of Social Services. The City's Senior Citizens Center offers recreational and social activities, driving courses, tax consulting, health exams, immunizations, lunch program, and a resource and referral service. Several retirement communities throughout Modesto offer assisted living in for-rent and for-purchase units. The Salvation Army's Senior Information and Referral Program



helps seniors with issues related to financial planning, health, and housing assistance. The Stanislaus County Area Agency on Aging, which provides information and referral services, as well as advocating for senior needs locally, is located in Modesto.

### **Single-Parent Families**

Single-parent households, particularly female-headed households often face difficulty in finding adequate and affordable housing, due to their single incomes. Female-headed households also tend to earn lower incomes. Compared to two-parent households, single parents also must dedicate a larger portion of their limited incomes to child care, food, and health care expenses.

According to the 2000 Census, Modesto had 8,122 single-parents with children under the age of 18 (see Table 28). Specifically, 5,998 (74 percent) were female-headed families and 2,124 (26 percent) were male-headed families. Provision of affordable family housing near transit centers and child care and other supportive services helps address the housing needs of this special group.

### **Large Families**

Large households, defined as those with five or more persons, have a need for larger dwelling units, which are often in limited supply and more expensive. To save money for other basic necessities, many lower-income large households live in overcrowded apartments or homes.

According to the Census, 10,054 large households resided in Modesto, representing approximately 16 percent of all households in the City. Among the large households, 5,760 (57 percent) were owner-households and 4,294 (43 percent) were renter-households. Generally, these households require dwelling units with three or more bedrooms for adequate housing. Approximately 76 percent of owner-occupied units have 3 or more bedrooms, but only 27 percent of renter-occupied units have 3 or more bedrooms. Availability of rental housing may be a problem for large families.

Updated 2000 Census data detailing the housing problems confronted by large households is not yet available. According to the 1990 Census, only 15 percent of large families that owned their home had lower incomes, but 66 percent of large families that rented had lower incomes, which was much higher than the overall percentage of households (34 percent) that had lower incomes (Table 2-35). As a result, 48 percent of the large renter-households paid more than 30 percent of their income on housing, and 58 percent of large renter-households experienced overcrowding in 1990. Given the recent escalation of housing prices in Modesto, the extent of housing problems faced by large households, especially those that rent, is expected to have become worse.

**Table 2-35  
Large Family Income Levels**

Household Type	Income Level (% of Median Family Income)				
	0-30%	31-50%	51-80%	81-95%	95%+
All Households	8%	11%	15%	8%	58%
Large Families that Own	2%	4%	9%	9%	76%
Large Families that Rent	13%	26%	27%	7%	27%

Source: HUD CHAS, 1993

To address overcrowding, communities can provide incentives for developers to build larger apartments with three or more bedrooms that can accommodate larger households. Often, the shortage of large rental units can also be alleviated through the provision of affordable ownership housing, such as condominiums coupled with homeownership assistance. However, since 1990, only 10 percent of housing built since 1990 was multi-family housing.

The threat of litigation over construction defects has been a major constraint to multi-family condominium housing construction. Recent legislative changes allow developers to negotiate and mitigate construction defects before going to court, which may relieve some of the concerns for builders, freeing up the for-sale multi-family housing market.

**Homeless**

Due to the transient nature of the homeless population, estimating the precise number of homeless persons in a community is a difficult, if not impossible challenge. As part of the Stanislaus County Continuum of Care Application for 2002, a survey was conducted to estimate the nature and extent of homelessness in the County. Based on that effort, the countywide homeless population is estimated at 10,215 persons. Characteristics of the countywide homeless population include:

- 6.8 percent veterans
- 53.9 percent families
- 37.6 percent individuals
- 39.8 percent disabled
- 29.2 percent dually diagnosed disabled
- 31.2 percent had been homeless for more than 5 years

Domestic violence, alcohol and drug use, mental illness, money management problems, and job loss are the most typical causes for becoming homeless. Of specific note is the rising number of homeless families in the County.

No specific estimate of the homeless population in Modesto is provided as part of the Continuum of Care application. However, the homeless population in Modesto was estimated in 1999 to be approximately 210 to 270 individuals on a nightly basis.<sup>30</sup> Of the

<sup>30</sup> City of Modesto. *Consolidated Plan, Fiscal Years 2001-2005*. Page 37.

adult homeless with families surveyed in 1999 for the City's Consolidated Plan, the following types of homeless individuals were observed (Table 2-36):

**Table 2-36**  
**Types of Homeless**

Homeless	Percent
Seniors	12%
HIV/AIDS	5%
Mentally Ill	17%
Substance Abuse	67%

Source: City of Modesto. *Consolidated Plan*. 1999.

Three types of facilities provide shelter for homeless individuals and families: emergency shelters, transitional housing, and permanent housing:

**Emergency Shelter:** A facility that provides overnight shelter and fulfills a client's basic needs (i.e. food, clothing, and medical care) either on-site or through off-site services. The permitted length of stay can vary from one day at a time to three months.

**Transitional Housing:** A residence that provides housing for up to two years. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Services may include substance abuse treatment, mental and physical health care interventions, job training and employment services, individual and group counseling, and life skills training.

**Permanent Housing:** Affordable permanent housing or service-enriched permanent housing linked with supportive services (on-site or off-site) and designed to allow formerly homeless clients to live at the facility on an indefinite basis.

A number of emergency shelters are located in the Modesto area (Table 2-37). In addition, a range of transitional housing facilities are available. As shown in Table 2-37, a number of group homes, community residential care facilities for adults, and a social rehabilitation facility are located in the City of Modesto, which all could potentially provide transitional assistance to formerly homeless persons. Additional transitional housing facilities are identified in Table 2-38. A transitional housing facility at 5<sup>th</sup> and F Streets offers accommodation up to 54 homeless persons that are dually diagnosed.

**Table 2-37  
Emergency Shelters in Modesto**

Name	Beds	Services
The Central Valley Homeless Veterans Project	26	Emergency shelter, counseling, information and referral
The Modesto Gospel Mission	225 beds for single women, single men, single women with children, and single men with children.	Emergency shelter, 150,000 meals per year to clients and to the general public. Two thousand people are served by the Mission each year.
Children's Crisis Center	5 to 10 youths and children per month.	Primarily provides child care, overnight emergency shelter on an as-needed basis (referrals from the police department or the County's Child Protective Services).
Hutton House	6	Short-term residential shelter for runaway and homeless youth between the ages of 13 to 17 years. Individual group and family counseling is provided to residents. Program goals include the reunification of teens with their families and the provision of follow-up and ongoing family counseling after the resident moves out. Youth may stay for up to two weeks. Frequently, there is a demand for an additional five beds per night. Referrals are primarily from Community Housing and Shelter Services, the Police Department, Child Protective Services, and the County's Emergency Food and Shelter Program.
Haven Women's Center of Stanislaus County	25	For women who have been abused or are in life-threatening situations. The Center also houses the children of abused women. Counseling services, weekly support groups and legal advocacy program are available.
Community Housing and Shelter Services (CHSS)	15 households per day	Services to on-site clients are provided through contracts with County Mental Health, the Welfare Department, and HOPWA funded service providers.

**Table 2-38  
City-Supported Transitional Housing**

Project	Type	Number of Units
Powell Avenue	Transitional	1
Ricardo Way	Transitional	1
Garvey Avenue	Transitional	1
Emerald Avenue	Transitional	4
California Avenue	Transitional	18
5 <sup>th</sup> and F	Transitional	16
Kelly Street	Transitional	1
<b>TOTAL</b>		<b>42</b>

Source: City of Modesto, 2002.



## Farmworkers

Agricultural workers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on generally a year-round basis. When workloads increase during harvest periods, the labor force is supplemented with seasonal labor, often supplied by a labor contractor. For some crops, farms employ migrant workers, defined as those whose travel distance to work prevents them from returning to their primary residence every evening.

Farmworkers work in two major types of situations: farm services, which have higher rates of pay and are less seasonal, and farm production workers. The following addresses only farm production workers. The housing needs of those employed in farm production differ from the rest of the population due to:

- The seasonal nature of farm employment
- Typically low wages
- Language barriers

Between 1990 and 2000, the number of farmworkers in Stanislaus County decreased by approximately 24 percent from 12,000 to 10,000, and the countywide farmworker population in 2008 is estimated at approximately 6,660, representing another 30 percent decline.<sup>31</sup> Similarly, the number of farmworkers residing in Modesto decreased by 45 percent during the 1990s. As of 2000, most farmworkers in the County lived in the unincorporated areas, but approximately 1,351 lived in Modesto, representing 0.3 percent (less than one-third of one percent) of the City population. Planning for low- and very-low-income households as a part of the Housing Element update and continued implementation of fair housing programs will provide housing opportunities for farmworkers wishing to live in Modesto.

## Housing Stock

Housing characteristics and conditions that affect the quality of life for residents include:

- Housing stock and growth
- Tenure and vacancy rates
- Age and condition
- Housing costs
- Affordability

A diversity of housing options is an important resource for households wishing to improve their living conditions. Preservation and improvement of existing housing and neighborhoods, including preservation of affordable units, is important to the overall housing need, especially for low- and moderate-income households.

<sup>31</sup> Stan COG. *Regional Housing Needs Assessment*. Appendix IV. October, 2002.

## Changes to Housing Stock

Most of the housing constructed in Modesto during the 1990 to 2000 Census period was single-family detached housing, as shown in Table 2-39. Only 10 percent of the units built between 1990 and 2001 were multi-family units, according to the City's Building Department. While in 1990, 72 percent of the housing stock was single-family housing, in 2000 more than 74 percent of the housing stock was single-family housing. Most single-family housing tends to be for-sale, rather than for-rent housing, but while Modesto has a proportion of single-family detached housing that is 12 percentage points higher than California as a whole, its share of owner-occupied versus renter-occupied housing is less than 2 percentage points higher than the State share. Based on recent surveys of single-family houses for rent, it appears Modesto has a relatively large stock of for-rent single-family housing.

**Table 2-39**  
**Housing Stock, 1990 and 2000**

Housing Type	1990		2000		% Change	# Change
	No. of Units	% of Total	No. of Units	% of Total	1990-2000	1990-2000
<b>Single-Family</b>						
Detached	40,585	66.7%	45,988	68.5%	13%	5,403
Attached	3,569	5.9%	4,011	6.0%	12%	442
<b>Total</b>	<b>44,154</b>	<b>72.5%</b>	<b>49,999</b>	<b>74.4%</b>	<b>13%</b>	<b>5,845</b>
<b>Multi Family</b>						
2-4 Units	5,606	9.2%	6,088	9.1%	9%	482
5+ Units	8,869	14.6%	9,244	13.8%	4%	375
<b>Total</b>	<b>14,475</b>	<b>23.8%</b>	<b>15,332</b>	<b>22.8%</b>	<b>6%</b>	<b>857</b>
Mobile Homes	1,787	2.9%	1,901	2.8%	6%	114
<b>Total Units</b>	<b>60,878</b>	<b>100.0%</b>	<b>67,179</b>	<b>100.0%</b>	<b>10%</b>	<b>6,301</b>
<b>Total Occupied</b>	<b>57,958</b>	<b>95.2%</b>	<b>64,959</b>	<b>96.7%</b>	<b>12%</b>	<b>7,001</b>
Owner-occupied	33,881	58.5%	38,114	58.7%	12%	4,233
Renter-occupied	24,077	41.5%	26,845	41.3%	11%	2,768
<b>Vacancy Rate</b>	<b>4.80%</b>		<b>3.30%</b>		<b>-31%</b>	<b>--</b>

Source: U.S. Census, 1990 and 2000.

## Age of Housing Stock

The age of Modesto's housing stock is a good general indicator of housing condition since, housing is subject to gradual deterioration over time. As a general rule in the housing industry, structures older than 30 years begin to show signs of deterioration and require reinvestment to maintain their quality. Unless properly maintained, homes older than 50 years require major renovations to remain in good condition. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, thereby depressing neighboring property values and impacting the quality of life in a neighborhood.



Much of Modesto's housing was built between 1970 and 1990, though large Specific Plan areas in the City are planned for future residential development (Table 2-40). During the housing element cycle, based on the number of housing units that will become 30 or more years old, housing maintenance and rehabilitation will become a more important issue in the City.

**Table 2-40**  
**Age of Housing Stock**

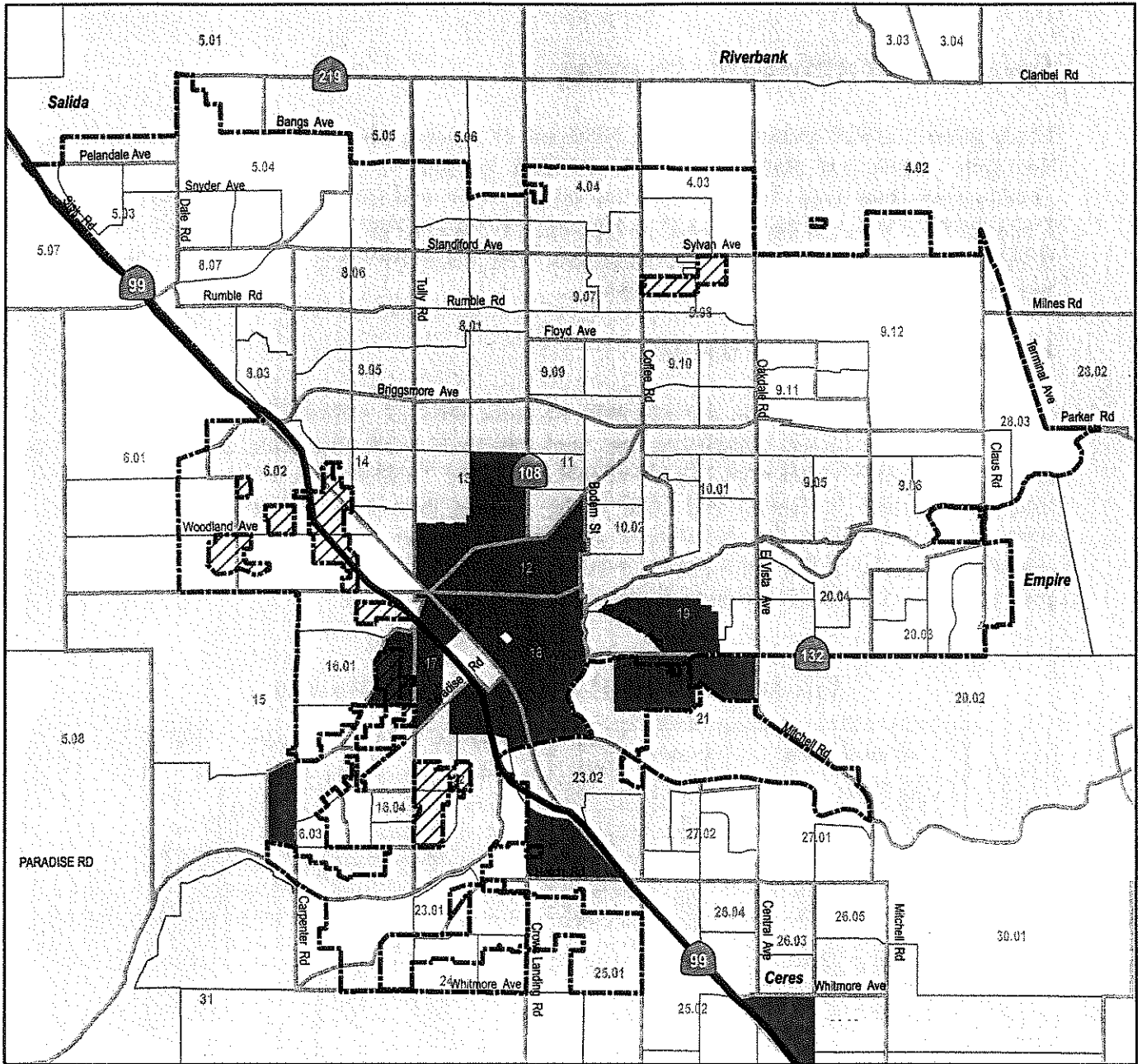
Age of Housing Stock as of 2000	Units	%
< 10 Years	9,200	14%
10-20 Years	16,286	24%
20-30 Years	17,635	26%
30-50 Years	17,045	25%
50+ Years	7,112	11%
Total	67,278	100%


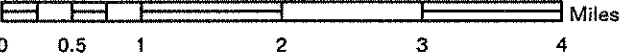
Source: U.S. Census. 1990 and 2000.

### Targeted Neighborhoods for Improvements

Overall, housing in Modesto exhibits exemplary maintenance. However, certain neighborhoods are impacted by deferred maintenance. According to City staff, an estimated 15,000 housing units require rehabilitation and 500 housing units in the City require replacement. Neighborhoods toward the City's center have vintage homes, and many census tracts' homes near downtown have a median age of more than 50 years. Figure 2-10 shows the median age of the housing stock in Modesto by block group. The areas with oldest homes include the downtown area and areas north of downtown. Many of these areas of the City have well-kept vintage homes and are among the City's most valuable, though median owner costs are among the lowest in the City. The median home values (as reported by the Census) for the older housing stock northwest of Paradise Road and southwest of Highway 99 are some of the lowest in the City. Median home values in the Airport Way area west of Vista Road are in about the middle compared to other census tracts in the City.




Many of these areas with older homes correspond with census tracts with higher concentrations of lower income households. Lower-income homeowners and landlords renting to lower-income households are sometimes more apt to defer maintenance on their homes, and due to the age of housing stock in some of the neighborhoods near downtown, considerable maintenance would be necessary to maintain adequate living conditions. The census tract that most represents the downtown and central portion of the City has the lowest median gross rental rate, and the Paradise/Highway 99 area is also more affordable relative to rents compared to almost any City census tract.



 GIS maps prepared by: Cotton/Bridges/Associates  
 NORTH Source: City of Modesto and 2000 Census (SF-1 and SF-3)  
 Miles



Age of Housing Stock (Block Group)

-  Less than 20 Years
-  21 - 50 Years
-  Greater than 50 Years




-  City Boundary
-  County Islands
-  Census Tracts (2000)

Figure 2-10

# Median Age of Housing Stock



## Inventory of Affordable Housing

Many government programs assist with provision of housing using contracts that ensure that the units remain affordable. Publicly assisted housing in the City includes housing developments that were provided with low-interest loans and rent subsidies through various Department of Housing and Urban Development (HUD) and Federal Housing Administration (FHA) programs, City-assisted development, and other privately developed affordable housing using a variety of funding sources.

### City-Supported Affordable Housing

The City has assisted in the development of more than 22 affordable housing projects, including 9 multi-family complexes that total 400 units (274 affordable units), 6 single-family developments that total 129 affordable units, and 7 transitional housing projects that total 42 units (see Table 2-41 and Table 2-38). Among these affordable projects, 472 units were developed within the last decade (Table 2-42) either through new construction or rehabilitation. All of the multi-family developments with affordability covenants are recent projects not at risk of converting to market-rate housing.

**Table 2-41**  
**City-Supported Multi-Family Affordable Housing**

Project Name	Type	Total Units	Affordable Units	Year Built	Affordability Period
Conant Place	MF	81	12	1994	30 years
Sherwood Manor	MF	21	2	1994	30 years
Gateway Village	MF	48	48	1996	40 years
1005 Maze Blvd.	MF	3	3	1999	30 years
Ashwood Village	MF	120	89	1998	40 years
Brighton Place	MF	11	4	1999	20 years
Randazzo Avenue	MF	24	24	1999	30 years
Woodstone Apartments	MF	56	56	2000	55 years
Pine Meadows	MF	36	36	2000	30 years
<b>Total</b>		<b>400</b>	<b>274</b>		

Source: City of Modesto, 2002.

**Table 2-42**  
**Modesto Affordable Housing Developed, 1993 - 2001**

Funding Source	For Purchase		For Rent	
	Construct	Rehabilitation	Construct	Rehabilitation
<b>Total</b>	<b>37</b>	<b>0</b>	<b>32</b>	<b>403</b>

Source: City of Modesto, 2002.



## Federally Assisted Affordable Housing

In addition to City-assisted projects, 7 affordable housing projects, totaling 810 units (inclusive of 735 affordable units), were developed in Modesto with federal subsidies (Table 2-43). Three of the seven projects are reserved for families, and the remaining four projects are reserved for seniors.

**Table 2-43**  
**Modesto Federally-Assisted Multi-Family Housing Inventory**

Property	Total Units/ Affordable Units	Section 8 Expiration	Mortgage Funding	Type	Number of bedrooms			
					0	1	2	3
Cameron Villa Apartments	68/68	9/30/2005	221(d)(4)	Family			68	
Colonial Farms	100/100	2/1/2013	Non-HUD	Family		24	50	26
El Casa Verde I	110/110	Annual Contracts	221(d)(3)	Family	16	24	48	22
El Casa Verde II	32/32	Annual Contract	221(d)(3)	Family		24	8	
Marple Manor	146/145	11/30/2003	202	Elderly		145		
Parkview Christian Estates	99/60	Annual Contracts	231	Elderly		99		
Ralston Tower	180/145	11/30/2004	236(j)(1)	Elderly		180		
Vinewood Apartments	75/75	9/11/2005	221(d)(4)	Elderly		75		

Source: Department of Housing and Urban Development web site, 2002.

## Loss of Assisted Housing

According to HUD records, all federally assisted projects in Modesto have affordability restrictions/subsidy contracts that are due to expire in the next decade. A total of 735 units are at risk of losing Section 8 subsidies over the 10-year period covered by this analysis.

## Preservation Options

To maintain the existing affordable housing stock, the City may either preserve the existing assisted units or replenish the affordable housing inventory with new units.

HUD provides the *Mark-to-Market* and *Mark-up-to-Market* programs for Section 8 projects seeking renewal. If current contracted rents exceed the Fair Market Rent (FMR), HUD will provide favorable tax treatment to property owners in return for preserving the units at affordable rents (Mark-to-Market). For apartments renting at below FMR rates, HUD allows rents to be increased to levels comparable to market rents, though not exceeding 150 percent



of the FMR (Mark-up-to-Market). When a complex with an expiring Section 8 contract is at risk of conversion, the below-market stock is most likely to be converted to market rents.

Should Section 8 funding become unavailable in the future, the City may use other finding sources to provide ongoing rent subsidies. Table 2-44 presents an estimate of the costs involved in providing ongoing rent subsidies. Approximately \$91,627 in rent subsidies may be needed monthly or \$1,099,524 annually to maintain affordability for the 735 very-low-income households.

**Table 2-44  
Rent Subsidies Required**

Unit Size	Annual Income	(1)*0.3/12 Affordable Monthly Cost	Utility	Fair Market Rent	(4)-[(2)-(3)] Per Unit Monthly Subsidy	# of Units	(5)*(6) Total Monthly Subsidy
Studio	\$13,440	\$335	\$50	\$500	\$115	16	\$1,840
1-bedroom	\$15,360	\$384	\$60	\$537	\$93	497	\$46,221
2-bedroom	\$17,280	\$432	\$70	\$655	\$153	174	\$26,622
3-bedroom	\$19,200	\$480	\$80	\$913	\$353	48	\$16,944
<b>Total</b>						735	\$91,627

Notes:

1. Household size assumptions: Studio = 1-person; 1-bedroom = 2-person; 2-bedroom = 3-person; 3-bedroom = 4-person
2. Annual income (2003) estimated at 80% of the maximum income for low income households, adjusted by household size.

Another option for preservation is to reduce the monthly mortgage payment on the property to the extent that rent subsidies would no longer be needed to maintain the financial viability of the projects. This can be achieved by refinancing the remaining mortgage with a reduced interest rate or by providing a lump-sum principal write-down to the projects.

The City may also seek opportunities to assist the purchase of affordability covenants on existing projects either by nonprofit organizations or other public entities. The cost of the affordability covenants depend on a large number of factors that must be determined at the time of transaction.

**Replacement Option**

The City also may wish to build new low-income housing units to replace any at-risk units lost. The cost of developing housing depends upon a variety of factors, including density, size of the units (i.e., number of bedrooms), location, land costs, and type of construction. The average construction cost for a rental residential unit is approximately \$53,885 (including land, construction, financing, marketing, and profit), based on discussions with developers active in Modesto.<sup>32</sup> Replacement of the 735 affordable units could cost approximately \$40 million, with many important variables that could alter the overall cost.

<sup>32</sup> Figure derived from 1992 Modesto Housing Element, updated to August 2002 dollars using the California Consumer Price Index, as reported on the Department of Finance web site.



Given a limited pool of financial resources, development of replacement housing should seek to leverage participation by non-profit or for-profit housing developers, or other public entities.

## **Housing Affordability**

The cost of housing is closely related to the level and type of housing problems faced by lower- and moderate-income households. If housing costs are high relative to household income, correspondingly the incidence of housing cost burden and overcrowding will be high.

Housing affordability can be inferred by comparing the cost of renting or owning a home with the maximum affordable housing cost to households at different income levels. The Area Median Income (AMI) provides a benchmark for estimating the affordability of housing and the ability of newcomers to move into the community. Taken together, this information can generally demonstrate who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding or a burden on housing cost.

HUD conducts annual household income surveys to determine the maximum affordable payments of different households and the eligibility for federal housing assistance. These income surveys by HUD are adopted by the State HCD to determine eligibility for State housing assistance. In evaluating affordability, the maximum affordable price refers to the greatest amount that could be paid by a household earning 70 percent of the income threshold for their respective income category.

Table 2-45 shows the annual income for very low-, low-, and moderate-income households by household size and the maximum affordable housing payment based on the State and federal standard of 30 percent of household income. Standard housing costs for utilities, taxes, and property insurance are also shown.



**Table 2-45  
Housing Affordability Matrix**

Income Group	Income Levels		Housing Costs		Maximum Affordable Price	
	Annual Income	Affordable Payment	Utilities	Taxes & Insurance	Ownership	Rental
<b>Very Low</b>						
One Person	\$16,300	\$408	\$50	\$79	\$48,926	\$358
Small Family	\$20,950	\$524	\$100	\$94	\$57,993	\$424
Large Family	\$25,100	\$628	\$150	\$106	\$65,349	\$578
<b>Low</b>						
One Person	\$26,050	\$651	\$50	\$133	\$82,285	\$601
Small Family	\$33,500	\$838	\$100	\$163	\$100,931	\$788
Large Family	\$40,150	\$1,004	\$150	\$189	\$116,841	\$954
<b>Moderate</b>						
One Person	\$39,050	\$976	\$50	\$205	\$126,763	\$926
Small Family	\$55,800	\$1,395	\$100	\$287	\$177,229	\$1,345
Large Family	\$64,750	\$1,619	\$150	\$325	\$201,007	\$1,569

Notes:

1. 2002 Income limits are used because housing costs information was collected for 2002.
2. Small Family = 3 persons; Large Families = 5 or more persons
3. Monthly affordable rent based on payments of no more than 30% of household income
4. Property taxes and insurance based on Modesto mortgage lender interviews, September and October of 2002.
5. Calculation of affordable home sales prices based on a down payment of 10%, annual interest rate of 6.5%, 30-year mortgage, mortgage insurance of 0.38% of loan amount, and monthly payment of gross household income

### Housing Costs

In Modesto, the recent increases in housing costs, with the lack of a commensurate increase in wages, create difficulty for lower- and moderate-income households alike. The Dataquick real estate database for single-family homes in 2002 through October identifies a median price of \$194,000 and an average of \$209,000, neither of which the very low- or low-income family in Modesto could afford (Table 2-46). Only the moderate-income large family could afford the overall median-priced home as of 2002.

When broken down by number of bedrooms, it is evident that the average and median prices for homes sold in 2002 are heavily influenced by three- and four- bedroom home sales, and that two-bedroom homes are significantly less expensive, but were less frequently sold (Table 2-47). In Modesto, there are a small number of 2 bedroom homes that would be affordable to the low-income small family and a larger number available to the moderate-income small family.

Condominium sales in Modesto between January and November of 2002 are a small fraction of the overall for-sale housing transactions (Table 2-48). However, this type of housing represents a viable option for market-rate, affordable housing for low-income individuals,



and moderate-income families and individuals. There are a smaller number of these units, according to 2002 sales data, that would be affordable and appropriately sized for low-income small families, as well.

The median gross rent, as reported by the 2000 U.S. Census, was \$639, which has increased since 2000, according to local service providers, to the \$750 - \$850 range.<sup>33</sup> This level of rent is out of reach for very-low-income families, but is in the affordable range for low- and moderate-income families and moderate-income individuals.

**Table 2-46**  
**Home Sales Prices, 1997-2002**

Year	Median Sales Price	% Annual Change	Period	Average	% Annual Change	Period
1990	\$130,700	N/A	Annual	\$134,921	N/A	Annual
1991	N/A	N/A	Annual	\$138,480	3%	Annual
1992	\$116,000	N/A	Annual	\$135,200	-2%	Annual
1993	\$112,600	-3%	Annual	\$129,400	-4%	Annual
1994	\$109,000	-3%	Annual	\$124,600	-4%	Annual
1995	\$107,000	-2%	Annual	\$120,876	-3%	Annual
1996	\$108,000	1%	July	N/A	N/A	N/A
1997	\$107,000	-1%	July	\$122,736	N/A	July
1998	\$114,000	7%	July	\$132,796	8%	July
1999	\$119,950	5%	July	\$131,882	-1%	July
2000	\$132,500	10%	July	\$143,173	9%	July
2001	\$162,750	23%	July	\$173,027	21%	Annual
2002	\$194,000	19%	Annual	\$208,948	21%	Annual

Source: Dataquick Real Estate data, 2002; Central Valley Association of Realtors; 2000 U.S. Census.

**Table 2-47**  
**Single-Family Sales Prices by Number of Bedrooms, January - October 2002**

Sales Statistics	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms
Average	\$103,029	\$133,481	\$180,130	\$230,026	\$272,354
Median	\$81,500	\$130,250	\$175,000	\$215,500	\$262,000
Number Sold	28	376	1378	335	29

Source: Dataquick Real Estate data, 2002.

<sup>33</sup> According to discussions with Project Sentinel Fair Housing Specialist Dee Smith and Community Housing and Shelter Services Executive Director Nancy Cook.



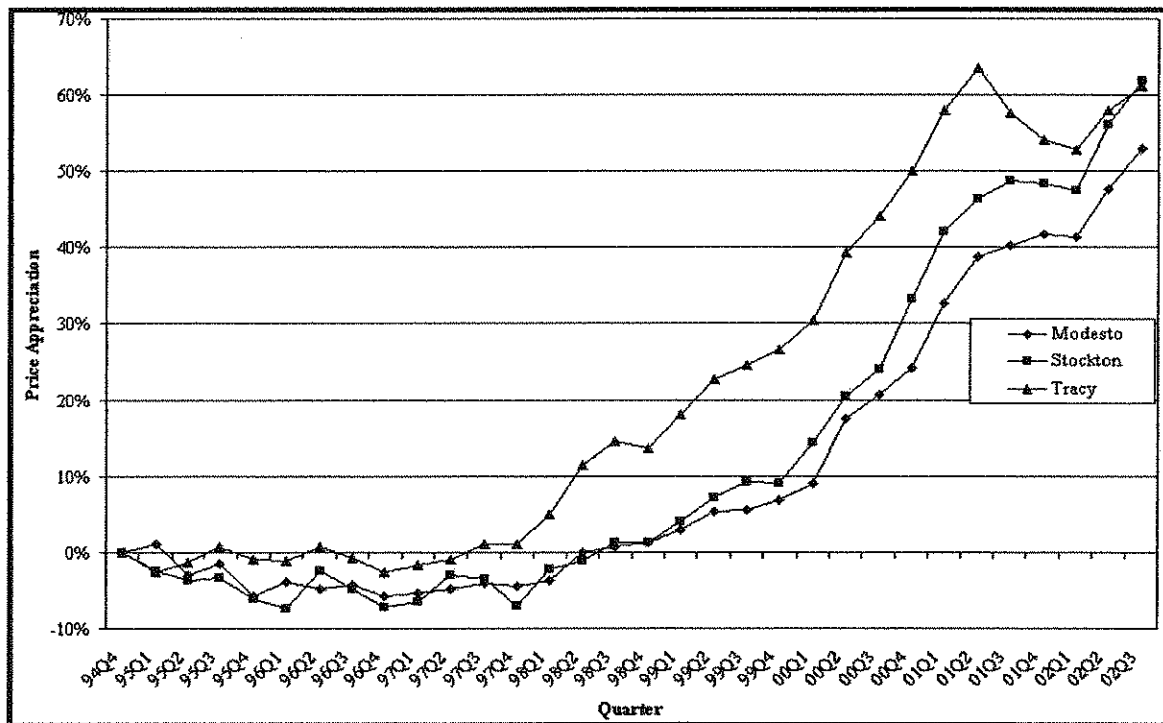
**Table 2-48**  
**Condominium Sales Prices, January through November 2002**

Average	\$118,756
Median	\$115,000
Average # Bedrooms	2
Average Size (square feet)	1,088
Median 1 BR (32)	\$63,000
Median, 2 BR (192)	\$113,000
Median, 3 BR (40)	\$158,500

Source: Dataquik Real Estate data, 2002.

When one controls for the size and amenities of homes sold recently in Modesto, the increase in price is more pronounced. The index shown in Figure 2-11 controls for differences in the amenities of homes. For the purposes of analysis, the constant quality house is one with the average characteristics of homes sold during the eight years of the index. The chart below reflects final sale prices of single family, detached homes and does not include new home sales.

**Figure 2-11**  
**Index of Central Valley Home Prices, 1995-2002**



Source: Real Estate Institute, University of the Pacific, 2002.



The cost of housing for owners and renters has increased dramatically for Modesto residents, especially since 2000. However, between 1990 and 2000, the percentage of income spent on housing increased only slightly. Stanislaus County owners saw the largest increase of the geographic areas shown below, at five percent (Table 2-49).

**Table 2-49**  
**Increase in Owner and Renter Costs, Modesto and Bay Area**

Geographic Area	1990	2000	1990	2000	Change, 1990-2000	
	Renters	Renters	Owners	Owners	Renters	Owners
Modesto	46%	45%	26%	27%	-1%	1%
Stanislaus Co.	45%	43%	24%	29%	-2%	5%
California	46%	42%	29%	31%	-4%	2%
Alameda Co.	45%	41%	30%	31%	-4%	1%
Contra Costa Co	45%	41%	31%	30%	-4%	-1%
San Mateo	42%	40%	32%	31%	-2%	-1%
Santa Clara	41%	38%	31%	29%	-3%	-2%
San Francisco Co.	43%	36%	26%	30%	-7%	4%

Source: U.S. Census, 2000.

Housing affordability directly affects two issues in a community – overcrowding and cost burden.

### Overcrowding

Overcrowding is typically defined as more than one person per room (living and dining rooms are counted, but kitchens and bathrooms are not). According to the Census, 7.6 percent of the owner-households were overcrowded in 2000, compared to 17.8 percent of the renter-households. Overcrowding had worsened slightly over the years. In 1990, only 4.4 percent of the owner-households and 14.5 percent of the renter-households were overcrowded.

### Cost Burden

A household experiences housing cost burden when it spends at least 30 percent of its gross income on housing costs (rent, mortgage, utilities, taxes, and insurance). Housing cost burden typically affects renter-households more severely, compared to owner-households, in several ways. One, a higher proportion of renters is affected by housing cost burden. Two, renters who cannot afford to rent typically cannot afford to purchase their homes and therefore, are limited in housing options. Three, fluctuations in market conditions affect renters more directly, while existing owner-households typically have fixed mortgage



payments and fluctuations in home prices do not affect those owners with no need to sell or relocate.

According to the 2000 Census, 44.6 percent of the renter-households had a housing cost burden, compared to 27.2 percent of the owner-households (Table 2-19). The cost burden situation in Modesto did not deteriorate significantly between the two census years. In 1990, cost burden was 46.6 percent among renters and 25.1 percent among owners. However, when the cost burden and overcrowding issues are viewed together, it becomes apparent that households are choosing to overcrowd than to overpay for housing.

## **E. FUTURE HOUSING NEEDS**

Future housing need refers to the share of the regional housing need that has been allocated to the City. HCD assigns a regional housing goal number to Stan COG, which is then distributed into four income categories. Stan COG is then mandated to allocate the numbers to city and county jurisdictions in the County. In allocating the County's future housing needs to jurisdictions, Stan COG is required to take the following factors into consideration, pursuant to Section 65584 of the State Government Code:

- Market demand for housing
- Employment opportunities
- Availability of suitable sites and public facilities
- Commuting patterns
- Type and tenure of housing
- Loss of units in assisted housing developments
- Over-concentration of lower-income households
- Geological and topographical constraints

Stan COG completed its Regional Housing Needs Plan (RHNP) in September of 2002, which has been submitted to HCD for approval. Negotiations are still ongoing to refine the allocation to individual jurisdictions.

The major goal of the RHNP is to assure a fair distribution of housing among cities and the county so that every community provides an opportunity for a mix of housing affordable to all economic segments. The housing allocation targets are not building requirements but goals for each community to accommodate through appropriate planning policies and land use regulations. Allocation targets are intended to assure that adequate sites and zoning are made available to address anticipated housing demand during the planning period and that market forces are not inhibited in addressing the housing needs of all economic segments of a community.



## F. SUMMARY OF ISSUES

Modesto faces a number of important challenges that it must meet as it strives to achieve a balanced and sustainable community. Some of the issues to be addressed in the Housing Element include:

- Projected population growth of 60 percent over the next 10 years and double over the next 20 years.
- Employment growth lagging behind population and housing growth during the past 10 years.
- Geographic and income mismatch between jobs and housing available in the City, resulting in increased commuting time, and worse traffic and air quality, among other issues.
- Run-away housing prices in the Bay Area, causing an increased number of workers from the Bay Area seeking affordable housing in the San Joaquin Valley.
- Most significant employment gains in the last 10 years were among the service and production/craft/repair occupations, primarily lower paying jobs.
- Lack of multi-family housing construction, leading to overcrowding and cost burden issues among renter-households.
- Increase in families without children and decrease in families with children indicate the need for smaller size units to accommodate start-up families.
- Increase in “other” families, particularly the single-parent households, indicates a need for affordable housing and child care.
- Approximately 35 percent of the senior households pay more than 30 percent of their limited incomes on housing. Cost burden is particularly prevalent among senior renter-households.
- Limited availability of large rental units for large renter-households.
- A rising homeless issue Countywide with inadequate services and facilities to address the needs. Of specific note is the rising number of homeless families.
- Approximately 36 percent of the housing stock is at least 30 years old. Ongoing maintenance is necessary to preserve and improve the quality of the housing stock.
- Certain neighborhoods exhibit deferred maintenance.
- Some affordable housing developments may be eligible to convert to market-rate housing.
- Lower-income households have limited housing choices and most likely cannot afford homeownership.

# CONSTRAINTS ANALYSIS

The City recognizes that adequate and affordable housing for all income groups strengthens the community. Many factors can work to encourage or constrain the development, maintenance, and improvement of Modesto's housing stock. These include market mechanisms, government codes, and physical and environmental constraints. This section addresses the major constraints to housing within the City.



## A. MARKET CONSTRAINTS

Costs related to the construction, financing, and legal liability of new housing construction represent the most significant sources of market constraint to the provision of housing. Although market conditions represent a set of factors outside of the City's control, the City has some leverage in instituting responsive policies and programs to address market factors. The following discussion highlights the major market constraints to the production, maintenance, and improvement of housing within Modesto.

The price of single-family housing and rents for apartments largely reflect development costs (construction, land, and labor), financing costs (availability of loans, interest rates, insurance), and costs associated with legal requirements. A unique additional cost in Modesto is the market pressure added to the City by Bay Area workers, whose higher incomes raise housing prices and adversely affect housing affordability. Each of these factors influences Modesto's housing market and can impact the amount and cost of housing.

### Development Costs

#### Construction Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct (on a per-unit basis) than single-family homes. However, wide variation exists within each construction type, depending on the size of unit and the number and quality of amenities provided. According to the Construction Industry Research Board, construction costs for a single-family home range from \$60 to \$100 per



square foot. Multi-family developments typically cost \$40-\$75 per square foot. A reduction in amenities and the quality of building materials can result in lower sales prices. The increased use of prefabricated factory-built or manufactured housing, which is permitted in all residential districts in Modesto (consistent with California law), may provide for lower-priced housing by reducing construction and labor costs.

Although construction costs are a significant portion of the overall development cost, Modesto can do little to mitigate its impact. Because construction costs in Modesto are similar to those in other Central Valley areas, the cost of construction is not considered a major constraint to housing production.

### **Land Costs**

Another key cost component is raw land and any necessary improvements. Unlike construction costs and labor costs, the cost of residential and commercial sites is highly variable. Cost considerations include the number of units or density of development permitted on a particular site and the location of the site in relation to other amenities. Modesto still has a significant amount of undeveloped land within the City limits, as well as more land planned for development within the Sphere of Influence. Because undeveloped land on the urban fringes is typically less expensive than properties located nearer to the City's core, this large amount of undeveloped land on the edges of Modesto helps keep land prices low and encourages more housing production in these urban fringe areas.

Land costs for residentially zoned properties within the City limits were calculated through analysis of property assessment information from Stanislaus County. Single-family residential land within Modesto costs an average of \$5.00 to \$6.00 per square foot. Assessment information provides an average land cost of \$6.00 to \$7.00 per square foot for multi-family residential properties. However, several properties have land costs in excess of \$20.00 per square foot.

### **Labor Costs**

Labor costs also factor heavily into the total cost of housing production. The cost of labor is relatively stable throughout a metropolitan area and is typically beyond the control of local government. Thus, labor costs become a fixed cost in relation to other site-specific costs, such as the cost of land. In recent years, however, changes in State law that affect labor costs for public works projects (including housing) have resulted in significantly higher labor costs for construction. Some laws are anticipated to raise labor costs for housing by more than 25 percent.

In January of 2002, Senate Bill 975 became law in California, amending Section 1720 of the Labor Code to require that construction workers for projects utilizing State or federal funds be paid the prevailing wage of labor for their services. This law significantly expanded the definition of public works projects and the application of the State's prevailing wage requirements to such projects. The bill also expands the definition of public funds and captures significantly more projects beyond traditional public works projects that involve public/private partnerships. SB 975 requires payment of prevailing wages for most private



projects built under an agreement with a public agency providing assistance to the project. The breadth of the legislation substantially limits the ability of public agencies and private entities to structure transactions to avoid prevailing wages for private construction work, thus increasing the cost of construction significantly.

Senate Bill 972 further amended Labor Code Section 1720 to provide some relief by exempting from prevailing wage requirements the construction or rehabilitation of some privately owned residential projects. Specifically, SB 972 exempts the following: a self-help housing project in which no less than 500 hours of the construction work is performed by the homebuyers; the new construction, rehabilitation, or expansion of a temporary or transitional housing facility for the homeless; assistance for the rehabilitation of a single-family home; and an affordable housing project funded by below-market interest rate loans that allocates at least 40 percent of its units for at least 20 years to households earning no more than 80% of the area median income. These exemptions have provided some relief from the constraint posed by SB 975, but the prevailing wage laws still represent a significant impediment to affordable housing production.

## Financing Costs

### Home Purchase Loans

The availability of financing affects a person’s ability to purchase a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications by various demographic characteristics (Table 3-1).

**Table 3-1  
Disposition of Home Loans  
Conventional v. Government Insured**

Applicant Income	Conventional Home Purchase Loans			Government Insured Home Purchase Loans		
	Total	Approved	Denied	Total	Approved	Denied
Lower	664	67%	20%	235	79%	5%
Moderate	1,286	79%	12%	467	85%	6%
Upper	3,242	80%	11%	411	84%	7%
Other	278	65%	15%	22	59%	27%
<b>Total</b>	<b>5,470</b>	<b>77%</b>	<b>13%</b>	<b>1,135</b>	<b>83%</b>	<b>7%</b>

Source: Home Mortgage Disclosure Act (HMDA) data, 2001.

Other: Loan applicants who chose not to disclose their income.

Refinance loans are excluded from the analysis. Loans are also made by lenders that are not subject to HMDA. Data on these loans are unavailable.



## **Conventional Home Purchase Loans**

In 2001, a total of 5,470 households applied for conventional loans to purchase homes in Modesto. About 59 percent of the loan applicants were upper-income households (120 percent or more of County median family income, or MFI). Moderate-income (81 percent to 120 percent of MFI) and lower-income (<80 percent of MFI) households accounted for 24 percent and 12 percent of loan applicants, respectively. As expected, the approval rate of conventional loans increased with income. Loan application from upper-income households had an 80 percent approval rate. Moderate-income applicants received a slightly lower approval rate of 79 percent, while lower-income applicants received only a 67 percent approval rate.

In terms of race and ethnic composition, loan applications follow very closely the racial makeup of the community. Hispanics, which make up 26 percent of the population, accounted for 23 percent of the loan applications. Asians (6 percent of population) and Blacks (4 percent of population) were fairly equally represented as well, with 7 percent and 3 percent of conventional loan applications, respectively. Whites, who constitute 60 percent of Modesto population, represented only 48 percent of the conventional loan applications. Approximately 14 percent of the loans could not be classified according to an individual race.

Loan approval rates were highest for Whites, with an 81 percent approval rate. Native Americans were next with a 79 percent approval rate. Following were Blacks at 75 percent, Hispanics at 74 percent, and Asians at 69 percent. Loan applications not identified by race were approved at a rate of 73 percent.

Conventional home purchase loans were approved within Modesto at a slightly higher rate than within Stanislaus County as a whole. Asians received a slightly lower approval rate in the City (69 percent) than in the County (70 percent), but all other major groups received a higher approval rate within the City. The overall loan approval rate for the City was 77 percent, while the Countywide average was 76 percent.

## **Federally Insured Home Purchase Loans**

Federally backed loans are those guaranteed or insured by a federal government agency. In 2001, a total of 1,135 households applied for government-backed loans to purchase homes in Modesto. Of these applications, 41 percent were from moderate-income households. Upper-income and lower-income households accounted for 36 percent and 21 percent of loan applicants, respectively. As with conventional loans, the approval rate was higher for those of upper and moderate incomes (84 percent to 85 percent) than those of lower incomes (79 percent). However, the disparity between income categories is much lower with the government-backed loans, and the overall approval rate is much higher for these loans than conventional loans.

In terms of race and ethnic composition, Hispanics are more likely to apply for government-backed loans than other racial or ethnic groups. Hispanics (26 percent of the population)



were overrepresented, accounting for 35 percent of these loan applications. Blacks were equally represented, with 4 percent of the overall population and loans applications. Whites (60 percent of the Modesto population) and Asians (4 percent) were underrepresented, representing only 46 percent and 3 percent of these loan applications, respectively. Approximately 6% of the loans could not be classified according to an individual's race.

Among these loans, approval rates were highest for Asians, with a 94 percent approval rate. Blacks were next highest with an 84 percent approval rate. Following were Hispanics at 83 percent, Whites at 81 percent, and Native Americans at 80 percent. Loan applications not identified by race were approved at a rate of 79 percent.

**Home Improvement Loans**

The availability of financing also affects a person's ability to make improvements to a home. The Home Mortgage Disclosure Act (HMDA) also requires lending institutions to disclose information provided for home improvement loan applications by various demographic characteristics (Table 3-2).

**Table 3-2  
Disposition of Conventional Home Improvement Loans**

Applicant Income	Conventional Home Improvement Loans		
	Total	Approved	Denied
Lower	178	37%	40%
Moderate	230	43%	40%
Upper	536	58%	28%
Other	68	24%	50%
Total	1,012	49%	34%

Source: Home Mortgage Disclosure Act (HMDA) data, 2001.

Other: Loan applicants who chose not to disclose their income.

There was an insufficient number of government backed loans for analysis. Loans are also made by lenders that are not subject to HMDA. Data on these loans are unavailable.

**Home Improvement Loans**

The provision of home improvement loans is an important means to maintaining and improving the quality of housing, as well as bringing substandard housing up to current code standards. In 2001, 1,012 households applied for conventionally financed home improvement loans in the City. The overall approval rate was 49 percent, noticeably lower than that for conventional home purchase loans (77 percent). Both the number and approval rate of loans increased with income. Lower-income applicants had the fewest number of applications (178) and the lowest approval rate (37 percent). Moderate-income households had a higher number of applications (230) and a higher approval rate (43 percent) as well. Upper-income households accounted for more than half of the overall applications (536 total, or 53 percent), and had the highest approval rate at 58 percent.



The approval rates of home improvement loans for each income category in the City are similar to Stanislaus County as a whole. The County had an approval rate of 47 percent, compared to 49 percent within the City. Approval rates within each income category of the City were within two percentage points of the corresponding category for the County.

### **Condominium Financing**

Condominium construction within California has decreased dramatically since the 1980s. A major reason for this decrease is the cost and lack of availability of financing and insurance for condominium developments. As of 2002, California law allowed for purchasers of condominiums to sue the developers of such buildings for up to four years in the case of a patent defect (a problem that is readily apparent) or ten years in the case of a latent defect (problems with construction that are not easily visible or apparent). This ability for condominium purchasers to sue the project developers has resulted in a reduction in the number of lenders who will provide loans for such development, as well as an increase in the interest rates for such loans. Construction liability lawsuits have led to an increase in insurance costs for condominium projects, and a reduction in the number of insurance companies that will provide coverage.

Although these constraints apply only to one type of development, they are important impediments to development of sufficient and affordable housing within Modesto and in many California communities. Prolonged construction defect lawsuits have served to deter condominium construction in the last ten years. In response, SB 800 was passed in 2002 to provide protection for both homeowners and builders from prolonged litigation over allegations of construction defect. The bill specifies the rights and requirements of a homeowner to bring an action for construction defects, including applicable standards for home construction, the statute of limitations, the burden of proof, the damages recoverable, a detailed pre-litigation procedure, and the obligations of the homeowner.

### **Bay Area Influence**

One of the most pressing constraints to ensuring that a sufficient amount of housing is available, both affordable and market rate, is the influence of homebuyers working in the San Francisco Bay area. Because of exorbitant housing costs and a severe housing shortage in Bay area communities, residents of these cities are relocating in Central Valley communities such as Modesto and commuting into the Bay area daily. The rapid influx of such persons has been a primary factor in rising housing costs in Modesto between 1999 and 2002, and has led to a shortage of affordable houses for sale within the City.

Since 1998, both the City of Modesto and the County of Stanislaus have participated in the Inter-Regional Partnership (IRP), a voluntary joint venture among five counties – Stanislaus, Alameda, Contra Costa, San Joaquin, and Santa Clara. This collaborative partnership was formed to deal with regional issues facing the Bay Area and the Central Valley, including the imbalance of jobs to housing ratios in the different counties. Over time, this partnership will establish enterprise zones to help increase housing supply within the Bay Area counties of



Alameda, Contra Costa, and Santa Clara. The success of this program may help reduce the impact of Bay Area commuters residing in Modesto in the future, but has not yet produced significant housing growth in the identified Bay Area counties.

## B. GOVERNMENTAL CONSTRAINTS

Local policies and regulations can impact the price and availability of housing and in particular, the provision of affordable housing. Land use controls, site improvement requirements, and permit processing procedures may present constraints to the maintenance, development, and improvement of housing. This section discusses potential governmental constraints to the provision of housing within the City.

### Land Use Controls – General Plan and Zoning

Adopted in 1995, the Urban Area General Plan Land Use Element sets forth the City’s policies regarding local land development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses. The Land Use Element provides for two residential land use categories, one mixed-use category, and one commercial category that permit residential units, as summarized in Table 3-3.

**Table 3-3  
Land Use Categories Permitting Residential Use**

General Plan Land Use Category	Average Density (Units/Acre)	Implementing Zoning District(s)	Typical Housing Type(s)
Residential	7.5 units per acre	P-D, R-1, R-2, R-3	Single-family, multi-family residential
Village Residential*	5.1 units per acre	SP-O	Single-family, multi-family, and senior housing
Mixed-Use	14 units per acre	R-1, R-2, R-3, P-D, C-1, C-2, C-3, P-O	Multi-story apartment and condominium complexes, single-room occupancy projects
Redevelopment Planning District	Based on redevelopment project areas	R-1, R-2, R-3, C-1, C-2, C-3, P-D, SP-O	Single- and multi-family residential, special-use residential projects as determined by the Redevelopment Agency.

\* Village Residential is implemented through a specific plan that contains mixed use areas that are predominantly single-family residential but with multi-family and senior housing, commercial uses, schools, and parks.

Source: Land Use Element, Modesto Urban Area General Plan, 1995



Land use controls provided in the Zoning Ordinance can influence housing production in a number of ways. The permitted and conditionally permitted uses in each zone guide new development, and provide both developers and the general public an understanding of how unbuilt land will develop in the future. This includes the density of development that will occur within a particular zone, the compatibility of planned uses in a given area, and the range and type of buildings and uses that will be located throughout the City.

**Provisions for a Variety of Housing**

Housing element law requires communities to identify adequate sites to accommodate new homes of all types through appropriate zoning and development standards, including single-family homes, multi-family housing, second units, mobile homes, emergency shelters, and transitional housing. Table 3-4 summarizes housing types permitted within the City’s residential and commercial zones.

**Table 3-4  
Conventional Housing Types Permitted by Zone**

Housing Types Permitted	Residential Zones			Commercial Zones		Mixed-Use/ Special Zones	
	R-1	R-2	R-3	P-O	C-1, C-2, C-3	SP-O	P-D
Single-family dwellings	P	P	P	S	C	*	*
Two-family dwellings	P <sup>1</sup>	P <sup>2</sup>	P <sup>2</sup>	S	C	*	*
Three- or four-family dwellings		P <sup>3</sup>	P <sup>3</sup>	S	C	*	*
Apartment units, 5-16 units <sup>4</sup>		S	S	S	C	*	*
Apartment units, 16+ units <sup>4</sup>		S	S	S	C	*	*
Mixed residential-commercial				S	C	*	*
Condominiums							*
Mobile home rental parks						*	*
Accessory Unit	P	P	P	S	C	*	*

Notations:

P = Permitted

S = Permitted subject to approval of a Plot Plan by Planning Commission.

C = Permitted subject to granting of a Conditional Use Permit by Board of Zoning Adjustment (with public hearing).

\* = Permitted only if specified in ordinance establishing the Planned Development zoning designation on a property.

Notes:

1 = Two-family dwellings are permitted on corner lots in the R-1 zone if and only if there are separate street entrances.

2 = Two residential structures per lot are permitted subject to Plot Plan approval by the Director.

3 = Three to four residential structures per lot are permitted subject to Plot Plan approval by the Director.

4 = The number of units allowed is based on the size of the R-2 and R-3 lots. The R-2 zone permits one dwelling unit for every 3,000 square feet of lot area. The R-3 zone permits three dwelling units for the first 6,000 square feet of lot area and one additional unit for each additional 1,500 square feet of lot area.

Source: Title 10, Zoning Ordinance, City of Modesto.



## **Multi-Family Housing**

Multi-family housing makes up approximately 23 percent of the existing housing stock in Modesto. The City's Zoning Ordinance permits multi-family projects in the R-2, R-3, and P-O zones with review and approval by the Planning Commission. Multi-family projects in the C-1, C-2, and C-3 zones are allowed subject to review and approval by the Board of Zoning Adjustment. As shown later in Table 3-6, the City has over 300 acres of vacant and underdeveloped commercial properties, providing increased opportunities for residential uses. In the R-3 zone, multi-family developments can be built up to a density of 28 units per acre; in R-2 or mixed-use zones, the density of development is a maximum of 14.5 units per acre. Multi-family development is allowed if included as a permitted use in the adopting ordinance for both P-D and SP-O zones. Condominiums are allowed only in P-D zones but are permitted by right in this zone. The Zoning Ordinance also provides for increased density through density bonus provisions.

A potential constraint to the provision of sufficient multi-family housing is the allowance of single-family residential uses in the R-2 and R-3 zones as a matter of right. This concept is typically referred to as the "pyramid" zoning system, where most permitted uses in a lower density zone are permitted in the next higher density zone. Allowing single-family developments within R-2 and R-3 zones reduces the likelihood that vacant R-2 and R-3 properties be developed with multi-family uses. A couple of housing developments were approved in 2002, where single-family housing was proposed on R-2 and R-3 properties. Program 4.2 of the Housing Plan in this Housing Element proposes revisions to the Zoning Ordinance to eliminate this practice.

## **Second Units**

The Zoning Ordinance allows the development of a second living unit in all residential districts. The purpose of permitting additional living units is to allow more efficient use of existing housing and to provide the opportunity for the development of small housing units to meet the special housing needs of seniors and others, while preserving the integrity of single-family neighborhoods. Approval of an accessory unit is permitted through a building permit. The City will be updating the Zoning Ordinance to reflect changes in State law (see Programs 2.2 and 4.2).

## **Factory-Built Housing and Mobile Homes**

The City permits manufactured and factory-built housing in all single-family residential districts, provided that the units are consistent with the Uniform Building Code (UBC) regulations. The City does not treat manufactured houses differently from other single-family structures, thus no information is available regarding the number of such homes located in the City. Mobile home parks are permitted only if so designated in a Planned Development overlay district.



## Special Needs Housing

In addition to conventional housing, the City also permits various special needs housing to accommodate the unique situations of certain groups. These facilities include residential care facilities, transitional housing, emergency shelters, group care facilities, and farm employee housing. Specific zoning code provisions for these uses are detailed in Table 3-5.

Special needs housing is an essential part of housing planning for all communities. Ensuring that the Zoning Ordinance provides adequate areas for development of housing for those with special needs is critical to meeting the goals of the Modesto Housing Element.

**Single-Room Occupancy:** Single-room occupancy (SRO) hotels provide a form of affordable housing suited to single or married couples without children. The Zoning Ordinance does not make mention of SRO hotels. Interpretations of individual development proposals are made by the Community and Economic Development Director or the Planning Commission, which determine the appropriate classification of each development. In general, a development application consisting of an SRO hotel would most likely be considered as a hotel, consistent with the locations and conditions of lodging facilities. Lodging facilities are permitted uses in the R-3 or P-D zones.

**Residential Care Facilities:** According to the Community Care Facilities Act in the California Health and Safety Code, residential facilities serving six or fewer persons (including foster care) must be treated as a regular residential use and permitted in all residential zones. Such facilities cannot be subject to more stringent development standards, fees or other standards than the same type of housing in the same zone. The Zoning Code permits such facilities in residential zones (R-1, R-2, and R-3) by right, and also in the Professional-Office zone with a Conditional Use Permit. Residential Care facilities serving seven or more persons are also allowed in the Professional Office zone and all residential zones, but only with a Conditional Use Permit granted by the Board of Zoning Adjustment.

**Transitional Housing:** Transitional housing is typically defined as temporary (often six months to two years) housing for an individual or a family that is transitioning to permanent housing, or for youth who are moving out of the foster care system. While the Zoning Ordinance does not expressly address these types of facilities, a development application for a transitional housing shelter would most likely be considered as a multiple-family residential development and allowed, consistent with the locations and conditions of multi-family residential uses. Such uses may be provided for in R-2, R-3, and P-O zones with a Plot Plan approval by the Planning Commission. The uses would be permitted in the C-1, C-2, and C-3 zones with approval of a Conditional Use Permit by the Board of Zoning Adjustment. These uses may also be allowed as part of a Planned Development in a P-D zone. Currently, the City has seven transitional housing facilities, totaling 42 units. While the Zoning Ordinance should be updated to explicitly address transitional housing facilities (see Program 4.2), the City has demonstrated a history of facilitating the provision of transitional housing opportunities.



**Table 3-5  
Special Needs Housing Types Permitted by Zone**

Housing Types Permitted	Residential Zones			Commercial/ Industrial Zones						Mixed-Use/ Special Zones	
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	M-1	M-2	SP-O	P-D
Single-Room Occupancy	+	+	P	+					+	*	*
Rooming houses	+	+	P	+					+	*	*
Farm labor housing*	+	+	+	+					+	*	*
Foster home – 6 children or fewer	+	+	+	+					+	*	*
Residential care facility – 6 or fewer persons	P	P	P	C						*	*
7+ persons	C	C	C	C						*	*
Emergency Shelters					C	C	C	C	C	*	*
Transitional Housing	+	+	+	+	C	C	C		+	*	*

Notations:

P = Permitted subject to an administrative review by Zoning Administrator (no public hearing).

C = Permitted subject to granting of a Conditional Use Permit by Board of Zoning Adjustment (with public hearing).

\* = Permitted only if specified in ordinance establishing the Planned Development or SP-O zoning designation on a property.

+ = Subject to interpretation of use by Community and Economic Development Director or Board of Zoning Adjustment.

Source: Title 10, Zoning Ordinance, City of Modesto.



**Emergency Shelters:** An emergency shelter is a facility that provides shelter to families and/or individuals on a limited short-term basis. Emergency shelters are allowed in the C-1, C-2, C-3 Commercial zones and M-1, M-2 Industrial zones, and with a Conditional Use Permit approved by the Board of Zoning Adjustment.

The City processes these use permits like all others, advertising the proposal through public notice, and encouraging public meetings between the proponents and the neighboring residents. When considering these applications, the City considers identified housing needs and goals as they pertain to very-low income and homeless persons. Conditions for approval are no different than those required for similar uses in the same zoning district and therefore, will not unduly constrain the development of emergency shelters.

The City Council has available to it the ability to declare a “shelter crisis” eliminating the requirement for a use permit for the establishment of an emergency shelter for any period of time so designated. This declaration also suspended certain development standards and building code requirements that were non-safety in nature. In January of 2004, the City Council declared a “Shelter Crisis” under California Government Code Section 8698 (d) and a temporary emergency shelter was immediately established at 320 Ninth Street. This emergency shelter facility was remodeled and furnished over a four-week period with City coordination and much community participation. The shelter accommodates 50 adults.

There are approximately 387 acres of vacant commercial and industrial properties and approximately 270 acres of underdeveloped commercial and industrial properties. These totals are broken down further in Table 3-6 and these sites are illustrated on Map (commercial) A-1 and Map A-2 (industrial) in Appendix A of this Housing Element.

**Table 3-6  
Vacant and Underdeveloped Commercial and Industrial Properties**

Land Use Designation	Vacant	Underdeveloped
Commercial	240	74
Industrial	147	196
<b>Total</b>	<b>387</b>	<b>270</b>

In recent years, State and federal funding programs have focused on the provision of transitional housing (e.g. Shelter Plus Care and Supportive Housing programs). This shift in funding direction has impacted the provision of emergency shelters.

**Farm Labor Housing:** Housing for migrant or short-term farmworkers, such as labor camps and specialized dormitory-style living facilities, are not specifically mentioned in the Zoning Ordinance. Like other forms of housing not explicitly mentioned in the Zoning Ordinance, an application for the creation of farmworker housing would be



subject to a zoning interpretation from the Community and Economic Development Director or with decisions appealable to the Board of Zoning Adjustment. Housing for permanent or longer-term agricultural workers may be developed in any zone where residential uses are permitted, governed by the development standards placed on similar types of structures (for instance, if proposed as a medium density residential use, farm worker housing would be permitted in the R-2 zone).

The farmworker population in the City is small, representing 0.7 percent of the City population and is declining. Furthermore, the City has no agriculturally designated land. Housing needs of the declining farmworker population can be accommodated through housing for lower-income households.

## Residential Development Standards

The City regulates the type, location, density, and scale of residential development primarily through the Zoning Ordinance. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents, as well as implement the policies of the General Plan. The Zoning Ordinance also serves to preserve the character and integrity of neighborhoods. The Ordinance sets forth the City's specific residential development standards, as summarized in Table 3-7. As discussed above, in addition to residential zones, residential uses are also permitted in two commercial zones.

**Table 3-7  
Residential Development Standards**

Zoning District	Maximum Density (du/ac)	Minimum Lot Size (sq.ft.)	Maximum Building Coverage (%)	Maximum Building Height (ft.)
R-1	8.7	5,000 interior lot 5,500 corner lot	50 interior lot 55 corner lot	30
R-2	14.5	6,000 interior lot 6,500 corner lot	55 interior lot 60 corner lot	30
R-3	28.0	6,000 interior lot 6,500 corner lot	60 interior lot 65 corner lot	30
P-O	28.0	6,000 interior lot 6,500 corner lot	N/A	35
C-1	28.0	N/A	N/A	35**
C-2	28.0	N/A	N/A	90**
C-3	28.0	N/A	N/A	N/A
P-D	*	*	*	*
SP-O	*	*	*	*



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Source: Title 10, Zoning Ordinance, City of Modesto.

\* To be determined in the Ordinance designating the District.

\*\* Except structures for uses permitted with a Conditional Use Permit

Various development standards have the potential to limit the number of units that may be constructed on a particular piece of property and thus increase the unit costs of development. These standards, as they apply in Modesto, discussed below.

### **Density**

The maximum permitted density, as defined in terms of the number of units per acre, varies by zone. The maximum density ranges from 8.7 units per acre in the R-1 (single-family) zone to 28 units per acre in the high-density R-3 zone. In addition, the Planned Development or Overlay zones have no prescribed maximum density. By permitting a range of densities, the City facilitates the development of a variety of housing types, ranging from low-density single-family residences to larger apartment complexes. However, as discussed above, the Zoning Ordinance currently permits single-family housing in multi-family zones, potentially reducing the density that can be realized in multi-family zones. The continued appropriateness of this practice should be reviewed.

### **Structural Limits**

Zoning Ordinance regulations affect the size of structures by setting limits on lot coverage and height. Lot coverages from 50 percent to 65 percent are allowed in residentially zoned areas, while the commercial and P-D zones do not mandate maximum lot coverage. Building heights of up to 30 feet are allowed in all residential districts, while residential buildings in the Professional Office zone can reach 35 feet in height. Structures in the C-3 and P-D zones do not have a maximum building height. These building height and lot coverage standards are consistent with the densities permitted in the various zones and therefore do not serve as a constraint to housing development in Modesto.

### **Parking Requirements**

The City's parking requirements for residential uses vary by type. Single-family homes are required to have two off-street spaces per home, plus an additional space if the property includes a two-car garage (one-half space extra if the garage is only one-car). If the single-family home has a second dwelling unit on the premise, then another space is also required. All other residential uses are required to provide two parking spaces per dwelling unit, plus one Recreational Vehicle space for each 25 dwelling units. The requirements for parking are shown below in Table 3-8. Guest parking is included in the requirement. The City offers flexible parking standards for housing for seniors and persons with disabilities. To facilitate the development of small-size units and mixed-use developments particularly along commercial corridors, the City will review its parking requirements for studio and one-bedroom units, as well as shared parking/off-site parking arrangements for mixed-use developments.



**Table 3-8  
Parking Requirements**

Type of Residential Development	Required Parking Spaces
Single-family Home	2 off-street spaces per home, plus: -- one-half space for a one-car garage -- one space for a two-car garage
Second Unit	1 space per room in the R-1 zone
All other residential uses, including apartments, condominiums, group homes, and similar	2 spaces per unit, plus one Recreational Vehicle space per 25 units

Source: Title 10, Zoning Ordinance, City of Modesto.

**Flexibility in Development Standards**

The City offers various mechanisms to provide relief from development standards that are typically required of all residential projects, including density bonuses, fee deferrals and exemptions, and flexible standards within the Planned Development zones. Certain development standards such as parking requirements can also be waived if deemed appropriate by the Board of Zoning Adjustment or Planning Commission.

**Density Bonus**

Modesto offers a density bonus to developers who agree to set aside a portion of their housing units for low-income residents. Excluding senior housing, all residential development projects are eligible for a maximum 25 percent density bonus and at least one regulatory concession if: (1) 10 percent of the units are reserved for very-low-income households; (2) 20 percent of the units for low-income households; or (3) 50 percent of units for senior residents and condition (1) or (2) is also met. Regulatory concessions may include reductions in development standards or modifications of zoning requirements that result in identifiable cost reductions, such as reductions in setbacks, lot size, and parking requirements, and an additional density bonus in excess of the 25 percent basic bonus. Two density bonuses were granted during the previous housing element cycle.

However, Section 65915 of the State Government Code requires cities to offer density bonuses to developers of low-income and senior housing, providing both increases in allowable densities and regulatory concessions. According to State law, housing with 50 percent of the units reserved for seniors, regardless of their income levels, is entitled to the density increase. In addition, recent legislation (AB 1866) also calls for a density bonus to be provided for condominium projects that include units affordable to moderate income households. Specifically, State law now requires a density bonus of 25 percent if 20 percent of the units are affordable to moderate income households. The City must ensure that these units remain affordable for ten years. The City will revise its Density Bonus provision to comply with State laws, refer to Program 4.2.



## **Capital Facilities Fee Deferrals and Exemptions**

Capital Facilities Fees (CFF) are exactions levied against developers to cover the cost of the facilities and services the City provides to the newly created home, including roadway and utility construction and service, police and fire protection, and government services. These fees can be reduced, deferred, or exempted from a particular development if it provides an additional benefit to the community, such as low-income or senior housing. The City has used deferral or exemption of these fees extensively in the past ten years to help generate affordable housing construction.

## **Planned Development (P-D)**

The P-D zone is designed to: (1) foster development plans for eligible lands that serve public objectives more fully than development plans permitted under conventional zoning regulations; and (2) establish criteria for identifying parcels of land that can benefit from creative development plans requiring special review. A P-D designation allows the regulations of the underlying zone be superseded, modified, or amended. The City frequently uses the P-D designation to permit higher densities on smaller lots and other deviations from conventional zoning regulations. Through the P-D designation, the City can allow deviations from the district regulations relating to lot size, lot width, front yard setback, rear yard setback, and some lot coverage standards.

## **Non-conforming Lot Ordinance**

Modesto contains a significant number of non-conforming lots, resulting from development under earlier City or County development standards. The non-conforming lot ordinance allows existing parcels to continue their use as long as the use is not physically expanded. In addition, it allows non-conforming uses to replace older non-conforming uses if the impact associated with the new use is not greater. This provision protects existing housing by allowing residents an option to maintain units that do not meet all of the standard development requirements of the City. The Board of Zoning Adjustment may grant a Conditional Use Permit for one non-conforming use to replace another provided it finds the new use will have no greater impact surrounding properties and is compatible with the neighborhood. Furthermore, certain development standards, such as off-street parking requirements, cannot be the sole criterion for designating a use as non-conforming.

## **Development Permit Procedures**

The processing time needed to obtain development permits and required approvals varies depending on the scope of the project. Smaller projects typically require less time than larger projects. The City strives to keep its permit procedures streamlined and processing times minimal. The Community and Economic Development Department is the lead agency in processing residential development applications and as appropriate, coordinates the processing of these applications with other City departments/agencies. The following is a listing of the type of permits required for residential developments within Modesto, and what types of projects are required to obtain each permit.



## **Ministerial Permits**

A ministerial permit is one in which an applicant must meet certain stated requirements to obtain a permit. These permits are ministerial because there is no discretion on the part of City staff or elected officials to grant or deny the permit if the stated requirements have been met. Development of an individual home on a lot requires only ministerial building permit approval from the Building Division. Other ministerial projects include duplexes and second units in the R-2 zone or apartments (less than five total units in one building) in an R-2 or R-3 zone. To obtain an administrative approval, an applicant is required to submit site and/or floor plans, and the plans are reviewed and approved by planning staff. The administrative review is processed without public hearings and is processed in an expedient manner, with two to four weeks being the usual processing time.

## **Discretionary Permits**

Three types of discretionary permits apply to residential uses that require special attention to site planning. These include two types of Plot Plan permits (P-Ps) and Conditional Use permits (CUPs). Examples of projects requiring these permits include large apartment complexes, residential uses in commercial zones, larger community care facilities, and emergency shelters and transitional housing. To apply for these permits, an applicant must submit site plans, floor plans, elevation illustrations, grading/drainage plan, soils and drainage reports, and other material as required.

The time frames associated with securing either a P-P or CUP is largely a function of the public hearing process and the staff time required to review the proposal. A P-P requires four to eight weeks to process, and then is forwarded to the Planning Commission or Board of Zoning Adjustment, which may assign conditions before approval. Staff processing time for a CUP is approximately the same, depending on the complexity of the project. For a typical residential project consistent with both the Zoning and General Plan, the total time required to obtain a decision from the determining body is 11 to 12 weeks. Processing procedures and timeframes in Modesto are shorter than those in comparable communities. However, CEQA (California Environmental Quality Act) requirements for large projects often extend the timeframe for processing.

## **On- and Off-Site Improvements**

The City requires standard street widths for most development projects such as:

- Local streets require a 50-foot street right-of-way consisting of 36 feet of roadway, curbs, a 4-foot wide sidewalk on each side of the street and drive-over curb or 6-foot sidewalk with a vertical curb.
- Cul-de-sacs streets require a 50-foot street right-of-way consisting of 34 feet of roadway, drive-over curbs, and 4-foot wide sidewalks on each side.



- Minor Collector streets require 60-foot street right-of-way, consisting of 36 feet of roadway, curbs, and 5-foot sidewalks on each side with a vertical curb.

Other off-site improvements include the installation of sewer, water, and storm drain lines. The installation of street lights, street signage, fire hydrants and street trees are also required at time of recordation of the final map for single-family subdivisions and certificate of occupancy for multi-family development.

**Water and Sewer Connections**

For connection to the City’s sewer service, the developer must pay a series of charges (Bond Redemption, Subtrunk, and Lateral charges). These fees are summarized below:

<b>Residential Sewer</b>		
Bond Redemption	Pays for Treatment Plant and City sewer system	\$500.00
Subtrunk	Pays for Const and Maintenance of lines	\$645.00/gross acre
Lateral Charge	Pays for extension of sewer lateral	\$33/linear foot
<b>Residential Water</b>		
Water Systems Fee	Pays for pumps, wells hydrants and 10” line throughout the City	\$.05/gross lot area
<b>Water Main</b>		
Connection Charge	Pays for construction of specific water main that extends to and serves the property	\$18.00/Linear Foot of Lot Frontage
<b>Water Service</b>		
Installation Charge	Installation of water service	\$1,108 through \$2,347 depending on diameter
Water Meter Fee	Pays for installation of water meter	\$115.00 - \$3,350 varies by line size
Pavement Fee	Pays for removal and replacement of pavement in the street for installation of water service	\$439.00/trench
Fire Hydrant Installation Fee	Pays for the time and materials required	\$2,635
Water Connection	Pays for connection of a new main to an existing main	for main extension



## **Building Codes, Site Improvements, and Enforcement**

### **Building Codes**

The City has adopted the California Building Code (CBC), which establishes standards and requires inspections at various stages of construction to ensure code compliance and minimum health and safety standards. The City's building code also requires new residential construction to comply with the CBC disabled access standards, which specifies a minimum percentage of dwelling units in new multi-family developments that must be fully accessible to the physically disabled. Although these standards and the time required for inspections may increase housing production costs and may impact the viability of rehabilitation of older properties, the codes are mandated of all jurisdictions in California and necessary to ensure safe and decent living environment.

### **Site Improvements**

Site improvements cover the range of water, sewer, circulation, and other services and infrastructure needed to facilitate residential developments. To ensure adequate improvements are in place, the City requires developers of individual and multiple-family housing units to pay impact fees commensurate with the cost of providing essential services to the home(s). Site improvements, as well as pro-rata shares toward infrastructure costs and public services represent a significant cost of housing and have an impact on the affordability of homes. However, site improvements are necessary for health and safety reasons and ensure services and facilities are in place to serve the new residents.

### **Code Enforcement**

The City administers a Code Enforcement Program through the Parks, Recreation and Neighborhoods Department. The program aims to preserve and maintain the safety, livability, and quality of neighborhoods. Code enforcement staff investigates violations of building code and property maintenance standards as defined in the Municipal Code as well as other complaints. When housing code violations are identified or cited, the staff encourages property owners to seek assistance through the City's various rehabilitation loan and grant programs. These programs provide low-interest loans and grants to eligible homeowners to make necessary repairs, which may include plumbing/sewer, electrical, re-roofing, termite damage repair, structural repairs (due to earthquakes, for example), and kitchen and bathroom remodeling.

The Building and Development Services Division of the Community and Economic Development Department administers a building and housing code enforcement program, where residential structures are inspected for health and safety violations. Housing units found to be unsafe are required to be improved or demolished.



## Permit Fees and Exactions

Housing construction imposes short- and long-term costs on communities. Short-term costs include the cost of providing planning services and inspections. In addition, new residential developments can also result in significant long-term costs relating to the maintenance and improvement of the City's infrastructure, facilities, parks, and streets. In response to the taxing constraints imposed by Proposition 13, Modesto, like many other California cities, must rely increasingly on planning and development fees to fund the provision of services needed by new housing.

The City collects various fees from developers to cover the costs of processing permits. These include fees for planning and zoning approvals, subdivision map act approvals, environmental review, plan check services, and building permits, among others. The City also collects fees to cover the costs of providing the necessary services and infrastructure related to new development projects (Capital Facilities Fees). In June of 1999, HCD released a survey of 89 California cities and counties conducted to identify typical fee amounts charged for homes in a 25-unit subdivision (2,500-square-foot homes) for individual infill houses, and for a 45-unit apartment building. At the time of the survey (1999), due to its significant infrastructure needs, Modesto generally had higher infrastructure and impact fees than the North Central Valley jurisdictions that participated in the survey (Manteca, Merced, San Joaquin County, Stockton, and Tracy). However, the City's planning fees, and planning and building check fees were significantly lower than fees charged by other communities, indicating that the City's development process procedures were not onerous. In recent years, the significant infrastructure constraints facing the San Joaquin Valley communities have equalized infrastructure fees among these communities and the pressure for growth has pressed on. Infrastructure constraints and their associated impact on development costs are not unique to Modesto and therefore, do not put the City in a competitive disadvantage among other communities in the region.

Fees associated with new development in the City vary significantly by geographic location. The City has four active Community Facilities Districts (CFDs), each with its own assessment cost for new developments. Many other areas of town are not located in a CFD and are not required to pay any assessment.

Fees have been cited as a potential constraint on the development of affordable housing within the Village One area, where the Community Facilities District has an assessment fee of \$97,681 per acre. To ensure that fees do not constrain affordable housing, fee reductions or waivers are sometimes granted based on project-specific findings. Capital Facilities Fees (CFFs) have been waived for recent affordable housing projects within the City, reducing the potential adverse impact of fees on low-income development. The City has also attempted to utilize an Affordable Housing Fund and other financing tools to promote affordable housing within Village One.



## **Disability Access**

In January of 2002, SB 520 was passed, amending Section 65008 of the Government Code to require localities to analyze potential and actual constraints upon housing for persons with disabilities, demonstrate efforts to remove governmental constraints, and include programs to accommodate housing designed for disabled persons. As part of the Housing Element process, the City must conduct an analysis of its Zoning Ordinance, permitting procedures, development standards, and building codes to identify potential impediments. Where found, the Housing Element must propose specific actions and implementation schedules to remove such impediments. The following summarizes findings from this analysis.

### **Zoning and Land Use**

State and federal housing laws encourage an inclusive living environment, where persons of all walks of life have the opportunity to find housing suited to their needs. As discussed earlier, the Zoning Ordinance permits a range of housing types suitable to special needs groups covered under the uses "Residential Care Facilities." Group homes serving six or fewer persons are permitted by right in all residential zones and larger facilities (seven or more persons) are permitted in all residential zones via the conditional use permit process.

Nevertheless, opportunities exist for making changes to better facilitate the development of housing for persons with disabilities. For instance, all uses that are not listed within the Zoning Ordinance are subject to interpretation by either the Community and Economic Development Director or the Planning Commission. Many typical housing options for the disabled, including single-room occupancy hotels, transitional housing, and the like, are not explicitly defined in the Zoning Ordinance and are therefore open to interpretation. The City may consider updating the Zoning Ordinance to define these types of housing and specify the conditions and process required to develop such facilities within the City. This can improve the clarity of the code and ensure that those seeking to provide housing and housing services for the disabled clearly understand the City's zoning and land use policies relating to these uses.

### **Building Codes and Development Standards**

The City enforces Title 24 of the California Code of Regulations, which regulates the access and adaptability of buildings to accommodate persons with disabilities. ADA requires new residential buildings consisting of three or more units to incorporate design features, including: 1) adaptive design features for the interior of the unit; 2) accessible public and common use portions; and 3) sufficiently wider doors to allow wheelchair access. The City ensures that plans meet ADA accessibility standards.

Currently, the City uses the 1997 edition of the UBC. No unique restrictions are in place for disabled housing, such as minimum distances, special conditions for disabled housing, or other such regulations that could constrain the development, maintenance, improvement, or alteration of housing for disabled persons.



Development standards for housing developments that will serve disabled persons are the same as those for other residential developments. Flexible development standards can be offered through a Planned Development overlay zone. The standard development requirements are not overly burdensome and do not represent a constraint to the provision of housing for the disabled. So-called "Universal Design" houses, which are fully accessible to persons with most disabilities, are allowed under CBC and UBC standards.

### **Permitting Procedures**

The City does not require special building codes or additional levels of review to build, improve, or convert housing for disabled persons. Per State law, requests for modifications to ensure housing access, such as ramps up to 30 inches in height, do not require a building permit and are processed over the counter. The City uses a standard entitlement process to ensure that facilities are sited and operated in a manner compatible with surrounding land uses. The Zoning Ordinance does not specify a unique set of performance standards for community care facilities and other types of housing facilities for disabled persons. Such standards could be determined only after an interpretation of the use by the Community and Economic Development Department Director or Planning Commission.

### **Reasonable Accommodation**

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. Most typical requests for reasonable accommodation relate to relaxing development standards to accommodate a ramp or location of parking.

As part of the City's 1998 Analysis of Impediments to Fair Housing Choice, the City's Zoning Ordinance and building codes were reviewed for impediments to housing for persons with disabilities. As a result of the study, the Zoning Ordinance was amended to expand the definition of family to accommodate group home development and other licensed community care facilities.

As part of this Housing Element update, the Housing Element update Project Manager interviewed the Chief Building Official in the Building Inspection Division and the Principal Planner of Current Planning Section of the Planning Division to assess if City application and development procedures and codes constrain the development of housing for persons with disabilities. In their review of the City's land use zoning policies, adopted building codes, development standards, and permitting procedures. These sources did not identify any potential constraints for the development of housing for the disabled. On the contrary, the City's Planned Development zoning designation provides for the development of residential projects at relaxed development standards. The City expects that housing development projects for the disabled would be approved with relaxed development standards.



In addition, the City has five advisory committees established to help address the various needs of the disabled. These include: Citizens Housing and Community Development Committee; Disabled Access Appeals Board; Equal Opportunity/Disability Commission; Human Relations Commission; and Housing Rehabilitation Loan Committee. The City does not charge any fees associated with access to these committees and does not assess fees for review or approval of accommodation requests. The one potential constraint is the lack of a specific procedure for processing reasonable accommodation requests.

The City will establish a formal reasonable accommodation process to provide individuals with disabilities, reasonable accommodations in rules, policies, practices and procedures that may be necessary to ensure equal access to housing (refer to Program 4.3). The purpose of this is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, building laws, rules, policies, practices and/or procedures of the City.

Although the City currently does not have a specific procedure for processing reasonable accommodation requests, the City routinely assists disabled applicants and/or their representatives with prompt and courteous service. The City proactively identifies barriers and solutions to providing excellent services to each of its residents by staff and committee review. Any person that is physically or developmentally impaired or their representative can request City staff to assist them with filling out City applications and/or addressing City requirements at no cost beyond the normal application cost. The City's new administrative offices are completely accessible by the disabled.

Program 4.2 in the Housing Plan of this Element includes a proposal to revise the zoning ordinance to establish a formal procedure to address this issue, providing relevant criteria to be used when considering such requests. Codifying a formal procedure will ensure prompt, fair, and efficient handling of such requests.



## **C. ENVIRONMENTAL AND INFRASTRUCTURE CONSTRAINTS**

Physical environmental conditions affect the feasibility and cost of residential developments. Environmental conditions can include the suitability of land and area for development, as well as the provision of adequate infrastructure and services. This section addresses the potential environmental and infrastructure constraints associated with housing development in Modesto.

### **Environmental Constraints**

Environmental constraints and hazards affect all forms of residential developments. Discussed below are the major environmental hazards in the City, as identified in the Modesto Urban Area General Plan Master EIR.

#### **Geologic Hazards**

Modesto is located in Alquist-Priolo Zone 3, the lowest risk zone for earthquakes. Modesto is characterized by very flat topography (0.1 percent average slope), non-expansive soils, and low likelihood for landslide, liquefaction, or other geologic hazard. The Urban Area General Plan does not identify any potential geologic hazards that could pose significant constraints to the production of housing within the City.

#### **Flood Hazards**

The major waterways affecting Modesto do not pose any major flood risk. The Tuolumne and Stanislaus Rivers are both controlled by dams and other flood control devices, and Dry Creek does not have a significant record of flooding within the City limits. While flooding from the waterways is not considered a major risk, the General Plan identifies flooding associated with poor storm drainage as a major issue. In future flooding events, the extent of damage will depend upon the area inundated and the level of urbanization that exists in flood-prone areas.

Without major improvements, some flooding is likely to continue in areas served by rock wells with insufficient capacity to handle winter and spring rainfall. All new developments in the expanding areas of the City are required to construct modern storm drains sufficient to handle potential stormwater impacts. However, infill projects may be served by the existing rock wells and face the potential for flooding. This is a potential constraint to the development of infill housing within the City.



## **Fire Hazards**

Residential fire protection is provided by the Modesto Fire Department. The Department maintains a first response time of six minutes or less for all residential areas of the City. Older areas of the City have the greatest risk of fire, as the frequency of vacant buildings, age of building materials, and lack of fire suppression systems all increase with older developments. Sufficient facilities and services are maintained by the Fire Department to handle all known risks associated with fire hazards. Therefore, fire hazards do not represent a significant constraint to the development of housing.

## **Public Facilities and Services**

In planning for growth, the City must ensure that adequate public facilities and services are available to meet the anticipated demand. Discussions below include the major public services in the City. (More detailed discussion of services and infrastructure issues is provided in the Community Services and Facilities Element of the General Plan.)

### **Water Supply and Service**

Water supply in the Modesto area comes from two sources: City operated wells and surface water provided by the Modesto Irrigation District. Water availability is a critical planning issue in the City, as well as throughout California. Due to the previous ten wet years and the effective Modesto Regional Water Treatment Plan, the groundwater basin supplying water to Modesto is adequately replenished (Modesto Water Management Plan, 2001).

The City utilizes a variety of options to help reduce water consumption and increase water supply. Tertiary water treatment, additional well construction, expansion of the surface water supply, and conservation measures are all being considered by the City to ensure that sufficient water resources and services are available to serve new development. Amendments to California statutes in 2002 imposed additional water supply requirements on new developments, mandating that all large developments (both residential and commercial) show an assured water supply prior to project approval. The City continues to seek out alternative methods of improving water service to existing and new developments.

Properties outside of the existing City limits may be eligible to connect to the municipal water system based on certain conditions. In June of 1998, the City Council adopted Resolution No. 98-306, codifying the conditions that must be met for a property outside of the City limits to utilize Modesto water. In general, properties outside the City limits are evaluated for water service extensions based on their location relative to the Modesto Municipal Sewer District No. 1, the former Del Este service area, and the Sphere of Influence. The Policy provides that water service extensions may be approved by the City Manager, on a case-by-case basis, when the following conditions are met:

- 1) The development has been authorized by the appropriate land use agency (i.e. Stanislaus County, City of Waterford, etc.).
- 2) The property is within the City's service areas (as defined and implied by the Policy).



- 3) City staff has completed an analysis and determined that it is reasonable for the City to extend the service based on a plan to pay for the extension costs and the quantity of water used.

The ability of properties to meet these conditions will affect their likelihood of receiving water service from the City.

### **Sewer Service**

The existing and planned sanitary sewer infrastructure poses a potentially significant constraint on the planned growth within the City of Modesto urban area. Many existing main lines used to move sanitary waste from areas of the City to treatment facilities lack sufficient capacity to meet the projected demand from new growth. The City has identified this potential issue in the Urban Area General Plan Master EIR and is devising appropriate measures to address the problem. Residential developments created and approved over the course of the current housing element cycle are not likely to be substantially impacted by such measures. While such measures have not been developed as of the writing of this Housing Element, they have the potential to raise development costs in some areas or otherwise constrain housing production.

A study completed in April 2002 by DJH Engineering and others identified final effluent discharge constraints at the Secondary Facility located at Jennings Road. These constraints were evident in what is stated as a “dry year”, which is a year with less than average San Joaquin River flow. In these dry years, there was less than needed disposal capacity. Less than needed disposal capacity means that the total means for effluent to leave the secondary plant, which is a combination of land discharge, evaporation, percolation, and River discharge, is inadequate to meet current total influent hydraulic load. The reasons for this problem are complex but the major issue is more restrictive NPDES permit limits. The more short-term solution to this shortfall in discharge capability is the installation of technology that cleans the treated stored water during the times the facility can legally discharge to the River but is unable to do so because this stored water exceeds suspended solids limits. In addition, the Ranch is currently not large enough in surface area to handle the peak organic load during certain short-term interval during peak cannery discharge. The technology just mentioned has been piloted and there is a pre-design report. The project, along with funds for additional land, is included in the CIP program for budget year 2003/04.

In addition to the physical constraints, the City has passed two local ordinances that can constrain extension of sewer infrastructure into new residential areas. Measure A (passed in 1979) and Measure M (passed in 1995) require that any planned extension of sewer infrastructure beyond the existing development area be subject to an advisory citizen vote. Measure A votes are held only during regularly scheduled elections (March and November), thus they can delay the potential extension of infrastructure for up to six months. However, these are advisory votes that can potentially serve to delay the availability of sewer infrastructure, but not stop it.

The City is starting to study alternatives such as tertiary treatment of wastewater to deal with this issue, although final strategies have not been settled upon as of the writing of this Housing Element.

# RESOURCES ANALYSIS

To facilitate and encourage the development of a range of housing choices for all economic segments of the population, a community must have available adequate land resources designated for a range of densities and types for new construction. Furthermore, financial resources need to be marshaled to assist in the development of housing affordable to lower and moderate income households. This section evaluates the land and financial resources available to the City for addressing the housing needs of existing and future Modesto residents.



## A. AVAILABILITY OF SITES

The City of Modesto faces significant constraints and challenges in providing adequate sites to meet the City's Regional Housing Needs Allocation (RHNA). The City estimates its RHNA at 15,347 units. Based on housing units built and potential sites available, the City concludes the following:

**15,347 units (3,376 Very Low, 2,609 Low, 3,223 Moderate, and 6,139 Above Moderate)**

- 3,227 units built since January 1, 2001 (50 Very Low, 6 Low, 679 Moderate, and 2,492 Above Moderate).
- 11,120 to 11,270 potential units on vacant/underutilized residential sites, in Redevelopment Planning District, as second units, and in the Roselle/Claribel CPD.
- Overall shortage of sites by 850 to 1,000 units. By income, the City has a shortage of 2,332 to 2,482 lower income units in site potential and 791 units of moderate income units in site potential, but a surplus of 2,273 above moderate income units in site potential. However, surplus in sites that can facilitate above moderate income housing cannot be used to fulfill shortage in sites that can facilitate lower and moderate income housing.

The following sections detail the City's progress so far in housing production and the site potential for meeting the RHNA.



## Share of Regional Housing Needs

The process for allocating housing needs begins with population projections for each region by the State Department of Finance. The State Department of Housing and Community Development (HCD) uses these projections to determine housing need by region in California. Once this occurs, the Stanislaus Council of Governments (Stan COG) is responsible for developing the Regional Housing Needs Plan (RHNP). The RHNP assigns a share of the region's projected future housing unit production need to each community in Stanislaus County. The current RHNA covers a seven and a half-year housing production period, from January 1, 2001 through June 30, 2008.

The HCD estimate of the regional housing needs for Stanislaus County is 35,239 units. The Stanislaus Council of Governments (StanCOG) adopted a lower RHNA of 20,854. StanCOG's proposed allocation is based on employment projections in order to achieve a jobs/housing balance. The City of Modesto believes the job/housing balance RHNA model has merit. However, HCD did not approve StanCOG's RHNA Plan and the City of Modesto will be applying HCD's housing projections for our area. Using the same pro rata allocation, Modesto's share, under the HCD estimate of regional housing needs, is 15,347 units. This estimate is distributed into four income categories, shown in Table 4-1. State law requires communities to demonstrate that an adequate amount of developable land is available to accommodate the share of the projected regional need for housing production.

**Table 4-1**  
**Share of Regional Housing Needs**

	Very Low	Low	Moderate	Above Moderate	Total
RHNA	3,376	2,609	3,223	6,139	15,347

## Progress toward Meeting the RHNA

Housing units built or that have received Certificates of Occupancy since January 1, 2001 can also count toward the City's RHNA. Between January, 2001 and December, 2002, the City issued building permits for 2,299 single-family homes and 49 multi-family housing units for a total of 2,348 units. In addition, 815 single-family homes and 64 multi-family housing units (including the 56-unit Woodstone Apartments) received Certificates of Occupancy since January 1, 2001. Therefore, the overall regional housing needs can be reduced by 3,227 units (3,114 single-family and 113 multi-family units).

With the exception of the 56-unit Woodstone Apartments, the multi-family housing developed during the last two years has been primarily medium-density developments. While specific information on the prices/rents for all these units built is not available, a reasonable assumption can be made that these 57 multi-family units (113 multi-family units minus the 56-unit Woodstone Apartments) are affordable to moderate income households based on Census rent data and discussions with service providers. The Woodstone



Apartments is a Low Income Housing Tax Credit (LIHTC) project, affordable to households with income less than 60 percent of the Median Family Income (MFI). Given the income eligibility, the majority (50 units) of the tenants at Woodstone should be very low income households, with the remaining tenants (6 units) being low income households.

Market-rate single-family homes constructed are most likely only affordable to moderate and above moderate income households based on the median home price presented in the Housing Needs Analysis. According to DataQuick<sup>1</sup>, more than 8,800 real estate transactions occurred between January, 2001 and March, 2003. Given the housing demand in Modesto, housing units built since January of 2001 should have been sold within this period. Of the 8,800 sales records, 60 percent of the units were sold at prices at or below \$200,000, a price affordable to moderate income households (see Table 2-45).

While the majority of these units were resale homes, a portion (at least the 815 units with Certificates of Occupancy and a portion of the 2,299 units issued building permits) of these are new single-family units at prices affordable to moderate income households. A conservative estimate of 20 percent (622) of the single-family homes constructed since January, 2001 are estimated to be affordable to moderate income households, with the remaining 80 percent (2,492) considered affordable only to above moderate income households. Tables 4-2 shows the remaining housing needs within Modesto by income group.

**Table 4-2  
Remaining Allocation**

Income Group	RHNA	Units Built	Remaining Need
Very Low	3,376	50	3,326
Low	2,609	6	2,603
Moderate	3,223	679	2,544
Above Moderate	6,139	2,492	3,647
Total	15,347	3,227	12,120

## Residential Sites Available

### Development Potential within Current City Limits

In December, 2002, as part of the Housing Element update, City staff conducted a sites inventory of all land suitable for residential development (see Table 4-3). Approximately 1,372 acres of residentially zoned land are vacant or underdeveloped<sup>2</sup> within the city limits and available for residential development.

The inventory reports 935 acres of vacant land available for single-family housing construction (including properties with tentative and final maps). Given the estimated

<sup>1</sup> DataQuick is a major provider of real estate transaction data based on public records from County Assessor Offices.

<sup>2</sup> Underdeveloped R-1 sites are larger R-1 designated properties that can accommodate more units than currently existing. Subdivision into smaller lots, infill housing, and second units may be constructed on these lots.



overall average density for single-family neighborhoods at 5.1 units per acre, 4,768 additional single-family units could be constructed on this land.

In addition, 122.5 acres of vacant sites are designated for multi-family uses. Of properties within the Baseline Developed Area (BDA), 62.9 acres of multi-family sites in R-2 and R-3 zones, permitting up to 14.5 and 28 units per acre. Based on location and surrounding uses, the City anticipates accommodating 1,023 units (averaging 14 and 22 units per acre in R-2 and R-3 zones, respectively). Properties surrounding these sites are developed and public utilities and infrastructure are available to serve these sites. The City encourages and offers to facilitate the development of these sites by providing an inventory list of vacant properties to prospective developers. This inventory is provided to prospective developers of affordable multi-family housing as part of City's Requests for Proposals for affordable housing. In addition, a 16-unit apartment development affordable to very low-income households has been approved within the BDA.

**Table 4-3  
Residential Sites Inventory within City Limits**

City Areas	Land in Acres								Total
	Vacant Single-Family			Under-Developed Single-Family (R-1)	Vacant Multi-Family				
	(R-1)	Tentative Tract Map (R-1)	Final Map (R-1)		R-2	R-3	Mixed Use	P-O/C	
Empire North (Incorporated Area [Machado])	0.0	14.5	0.0	0.0	0.0	0.0	0.0	0.0	14.5
Pelandale-Snyder	0.0	19.7	0.6	0.0	0.0	0.0	0.0	0.0	20.3
North Beyer	9.6	0.0	0.0	0.0	0.0	0.0	8.8	0.0	18.4
Coffee-Claratina	0.0	7.2	19.7	0.0	0.0	0.0	7.0	0.0	33.9
Village One	260.0	26.4	142.5	144.0	0.0	59.6	0.0	0.0	632.5
Kiernan-Carver	4.3	0.0	16.1	0.0	0.0	0.0	0.0	0.0	20.4
Fairview	117.0	0.0	81.7	0.0	0.0	0.0	0.0	0.0	198.7
BDA Dec. 2002	215.7	0.0	0.0	107.3	45.1	17.8	0.0	34.5	433.7
<b>Total Acreage</b>	<b>606.6</b>	<b>67.8</b>	<b>260.6</b>	<b>251.3</b>	<b>45.1</b>	<b>77.4</b>	<b>15.8</b>	<b>34.5</b>	<b>1,372.4</b>

Note: The majority of development potential is within specific plans or planned developments that have land use designations slightly different than those established in the City Zoning Code. The development potential presented in this table is summarized by the approximate density category.

Source: City of Modesto, October, 2003.

The City of Modesto zoning regulations provides for the development of multi-family housing in the Professional Office and Commercial zone districts with a plot plan and use permit application, respectively. The City has approved such applications within the last 8 years. Residential development, up to the R-3 density (28 units per acre), is permitted in this P-O zone district subject to approval of a plot plan. Several cases occurred in which apartments were approved and developed in the P-O zone. Of the total vacant P-O zone acreage (47.3), the City identified several vacant P-O zoned properties, totaling 7.53 acres



that lend themselves to be readily developed with multi-family units. At the R-3 density (assuming an average of 22 units/per acre), these properties could accommodate up to 165 housing units.

Based on historical precedent, staff also determined 27 acres of Commercial properties could reasonably be expected to be developed with multi-family development within the planning period of this Housing Element. This is based on lot size, configuration, location, and local market conditions. An average density of 22 units per acre would result in approximately 594 housing units.

Village One has 59 acres of multi-family residential land. The Village One Specific Plan provides a density range of 23.7 to 26.25 units per acre for multi-family residential land. Potential yield in Village One is 1,398 to 1,548 units. The City has been working with the Stanislaus County Housing Authority to develop a 50-unit project in Village One. All 50 units will be affordable to lower income households (earning up to 80 percent of the Area Median Income).

In the North Beyer Specific Plan, 14.75 acres of Mixed-Use designated land remains. General Plan policy allows the Mixed-Use category be developed with 60 percent residential uses. High-density residential development consistent with the R-3 development standards (maximum 28 units per acre) is permitted in the Mixed-Use category. Therefore, with 8.8 acres of potential Mixed-Use residential development, the City anticipates the North Beyer Specific Plan can accommodate 193 units (averaging 22 units per acre).

In the Coffee-Claratina Specific Plan, 11 acres of Mixed-Use designated land remains. Similar to the North Beyer Specific Plan, 60 percent of the Mixed-Use designated properties can be developed with residential uses. High-density residential development consistent with the R-3 development standards (up to 28 units per acre) is permitted. Therefore, with 7 acres of potential Mixed-Use residential development, the City anticipates the Coffee-Claratina Specific Plan can accommodate 154 units (averaging 22 units per acre).

The Empire North Unit #1 Specific Plan (refer to Map A-5) contains 14.5 acres of residentially zoned land. In January 2004, a tentative subdivision map application was under consideration and is anticipated to develop during 2005.

The Fairview Village Specific Plan containing approximately 199 net acres of residentially zoned land in the City limits was being processed through a specific plan amendment during the draft stages of this Element and development of the 81.7-acre tentative map was finalized in December 2003. This area is expected to commence development in the year 2005. The Village One Specific Plan area continues to develop and provides the City's greatest amount of currently developable land.

A total of 251 acres of underdeveloped sites exist in the City BDA. These sites are primarily zoned R-1. Redevelopment of these sites, minus the existing units, has the potential to yield another 1,000 additional units, based on an average yield of 4 units per acre.



## **Development in Commercial Areas**

Pursuant to the General Plan, residential uses permitted in Mixed Use and Redevelopment Planning Districts are implemented through the zoning districts C-1, C-2, C-3, P-O, and P-D. Residential uses are permitted in the P-O zone subject to a Plot Plan approval and permitted in the C-1, C-2, and C-3 zone districts subject to approval of a Conditional Use Permit. As discussed in Chapter 3, the land use inventory contains approximately 240 acres of vacant and 74 acres of underdeveloped commercially designated properties. Specifically, the City identified 27 acres of commercially designated properties that can be developed into residential uses with a Conditional Use Permit within the planning period of the Housing Element, providing a potential of 594 additional units. The City has demonstrated a history of approving multi-family residential development in commercial zones within the Baseline Developed Area.

Several City programs also support the creation of mixed-use developments in commercial areas (e.g., reduced parking standards and infill development). Specifically, within the Redevelopment Planning District, additional housing can be accommodated. Residential uses, particularly mixed-use development, are encouraged in the Redevelopment Planning District as a way to facilitate a vibrant downtown and implement smart growth principles that emphasize the efficient use of land and infrastructure.

## **Second Units**

With recent changes in State law, second units must be permitted in single-family zones via ministerial review if proposed units meet the City's established development standards for second units. The City anticipates the demand for and interest in second units will increase significantly in the future, given the housing market conditions in the County and San Joaquin Valley region. Based on conservative estimates, the City anticipates achieving 75 second units over the next 5 years with active promotion by the City. Second units are typically affordable to lower income households.

## **Development in Sphere of Influence**

Outside the City limits but within the City's sphere of influence (SOI), additional development potential exists (Table 4-4). Excluding the acreage with Williamson Act agricultural land preservation contracts, 4,211 acres are available for future residential development within the SOI. Assuming single-family homes are constructed in these areas at 5.1 units per acre, an estimated 21,474 units could be accommodated. On a biennial basis, the City of Modesto reviews its inventory of vacant commercial, industrial and residential land inventory through the Urban Growth Policy Review. If the City Council determines that a shortage of available vacant land exists, then the City Council recommends specific areas to be considered for annexation through a citizens' advisory vote (Measure A or Measure M). This process typically takes approximately six-months to complete. Upon an affirmative advisory vote, the City will consider annexation and extension of City services to the subject area(s).



While Williamson Act contracts may serve as a potential constraint for housing development in the SOI, discussions with developers and communities with similar characteristics indicate that most developers simply pay off the “penalty” associated with early withdrawal of the contracts. Property owners are also able to file a Notice of Non Renewal, resulting in terminating the contract after a ten-year period. Some property owners have already filed such notices in the planned growth areas. Based on these trends, the City has included properties that are under a Williamson Act Contract in the City’s sites inventory. Theoretically, another 3,536 units could be accommodated on land with Williamson Act contracts.

More significant constraints to housing development in the SOI relate to the provision of infrastructure and services, as well as the timing of annexation. Given the significant infrastructure limitation the City faces (cost and timing of providing infrastructure), the City will have difficulty annexing these areas and making them available for housing development within the next few years, except for several targeted areas. Furthermore, Measure A (passed in 1979) and Measure M (passed in 1995) require that any planned extension of sewer infrastructure beyond the existing development area be subject to an advisory citizen vote.

At the writing of the Housing Element, the southwest quadrant of the Roselle/Claribel Planning District (480 acres) received Measure M approval in November 2001. A specific plan, an infrastructure facilities master plan, a financing plan, and an environmental impact report are required prior to development. These documents are presently being prepared for the development of the Roselle/Claribel specific plan area. Development is anticipated to occur by 2006, within the 2003-2008 Housing Element period. In accordance with Program 4.1 of the Housing Plan (in Chapter 6), applying a development factor of 15% to the residential portion of the Roselle-Claribel Specific Plan would yield 49 acres of land designated for multi-family development. An average development factor of 22 units per acre will generate 1,078 housing units that can meet the needs of very low and low-income households. Applying the remaining percentage (85%) to single-family uses would yield 275 acres. At 6 units per acre this area would generate 1,650 single-family dwelling units.

The Fairview Comprehensive Planning District (CPD) received a favorable Measure M vote in 1994 and a specific plan for this area was adopted on December 12, 1995. Approximately half of this CPD, containing approximately 231 acres, was annexed in 1996. The balance of the Fairview Village CPD consists of approximately 120 gross acres. In accordance with Program 4.1 of the Housing Plan (in Chapter 6), applying a development factor of 15% to the residential portion of this area would yield 12 acres of land designated for multi-family development. An average development factor of 22 units per acre will generate 264 housing units that can meet the needs of very low and low-income households. Applying the remaining percentage (85%) to single-family uses would yield 68 acres. At 6 units per acre this area would generate 408 single-family dwelling units. Therefore, this area is expected to generate a total of approximately 672 new housing units. At the writing of this Housing Element, an amendment to the Fairview Village Specific Plan has been initiated and development is anticipated to begin by the year 2006.



In addition, the City identified several areas for potential annexation. The 2003 Urban Growth Policy Review identified three areas to be presented to the Modesto voters for a Measure M vote in November 2003. These areas include the Empire North Comprehensive Planning District consisting of approximately 141 acres, the Johansen Comprehensive Planning District consisting of approximately 501 acres and a portion of the Kiernan/Carver Comprehensive Planning District consisting of approximately 80 acres. The Measure M advisory vote took place in November of 2003. The advisory vote favored the extension of sewer service with the expectation of eventually annexing the land..

The Empire North Comprehensive Planning District and Johansen Comprehensive Planning Districts will be planned together under one master development plan. The combined acreages for these CPD's total 642 acres. In accordance with Program 4.1 of the Housing Plan (in Chapter 6), applying a development factor of 15% to the residential portion of this area would yield 65 acres of land designated for multi-family development. An average development factor of 22 units per acre will generate 1,430 housing units that can meet the needs of very low and low-income households. Applying the remaining percentage (85%) to single-family uses would yield 368 acres. At 6 units per acre this area would generate 3,638 single-family dwelling units. This area is expected to generate a total of approximately 3,638 new housing units. This area is anticipated to have a specific plan adopted by June 2007.

Eighty acres in the Kiernan/Carver Comprehensive Planning District were considered in the November 2003 Measure M election. This area is anticipated to develop in 2006. In accordance with Program 4.1 of the Housing Plan (in Chapter 6), applying a development factor of 15% to the residential portion of this area would yield 8 acres of land designated for multi-family development. An average development factor of 22 units per acre will generate 176 housing units that can meet the needs of very low and low-income households. Applying the remaining percentage (85%) to single-family uses would yield 46 acres. At 6 units per acre this area would generate 276 single-family dwelling units. This area is expected to generate a total of approximately 452 new housing units. This area is anticipated to have a specific plan adopted by December 2006.

**Specific Plan Status Summary**  
(As of January 2004)

<b>Specific Plan Area/Name</b>	<b>Entitlement Status</b>	<b>Anticipated Specific Plan Adoption</b>
Roselle/Claribel SP	Draft plan underway	12/2006
Fairview Village SP	Amendment underway	12/2006
Kiernan/Carver (Waterman/Luchessa)	Pending	12/2006
Johansen/North Empire	Pending	6/2007



**Table 4-4  
Residential Sites Inventory within City Sphere of Influence**

Comprehensive Planning District	Vacant Land in Acres			
	Land Use	Total Acres	Protected by Williamson Act	Net Acres Available
Empire North	Village Residential	141.0	69.0	72.0
Fairview Village	Village Residential	153.0	153.0	0.0
Hetch Hetchy	Village Residential	860.0	24.5	835.5
Johansen	Village Residential	445.0	14.3	430.7
Kiernan Carver	Village Residential	570.0	52.9	517.1
Paradise Carpenter	Village Residential	740.0	108.0	632.0
Pelandale/McHenry	Residential	35.0	0.0	35.0
Roselle Claribel	Village Residential	1,410.0	198.0	1,212.0
Whitmore Carpenter	Village Residential	550.0	73.7	476.3
<b>Total Acreage</b>		<b>4,904.0</b>	<b>693.3</b>	<b>4,210.7</b>



## Comparison of Residential Sites Inventory and Regional Housing Needs

For purposes of identifying available sites to accommodate the City's share of regional housing needs, only properties currently within the City limits (Table 4-5) and Comprehensive Planning District areas that have already received resident approval for annexation are used.

Given market conditions in Modesto, R-1/Low Density sites are able to facilitate the development of housing affordable to above moderate income households. Based on existing new home sale information, 20 percent of the single-family homes are anticipated to be affordable to moderate income households, with the remaining 80 percent of new market rate housing affordable only to above-moderate income households.

Affordable housing opportunities for moderate income households are likely to be fulfilled with R-2/Medium Density sites. Sites in the R-3/High Density categories can facilitate housing affordable to lower income households. Occasionally, affordable housing for lower income households can also be accommodated on R-2 sites. The recent proposal for a 50-unit development by the Stanislaus County Housing Authority will be affordable to lower income households. The project is being developed at medium density.

Given that the RHNA is 15,347 units, the City estimates an overall surplus of 4,805-4,955 housing units. By income group, the City expects to provide sites to exceed its housing unit allocations by 55-202 housing units for very-low and low income households, to exceed the moderate income group by 153 units and to exceed the above moderate income group by 4,597 housing units, refer to Table 4-5. To ensure that these housing units are provided, all new residentially designated areas in developing Comprehensive Planning Districts will include a minimum of 15 percent area designated for multi-family development (refer to program 4.1). Although the City is able to provide adequate sites to meet its RHNA allocation during the 2003-2008 housing cycle, the City may pursue a combination of the following strategies to further the development of multi-family housing:

- Upzone Medium Density Residential (R-2) properties to High Density Residential (R-3);
- Rezone nonresidential (commercial/industrial) properties to High Density Residential (R-3); and



**Table 4-5  
Sites Inventory and Share of Regional Housing Needs**

	Potential Housing Units			
	Very Low and Low	Moderate	Above Moderate	Total
<b>Single-Family</b>				
Vacant Sites		953	3,815	4,768
Underdeveloped Sites		200	800	1,000
<b>Multi-Family</b>				
BDA – R-2		631		631
BDA – R-3	391			391
BDA – Approved	16			16
BDA – P-O	165			165
BDA – C-1, C-2, C-3	594			594
Village One – Vacant Sites	1,398-1,548			1,398-1,548
Village One - Approved	50			50
North Beyer SP – Mixed Use	193			193
Coffee-Claratina SP – Mixed Use	154			154
Second Units	75			75
CPD Areas Subject to an affirmative Measure M Advisory Vote.				
Roselle/Claribel Specific Plan	1,078	330	1,320	2,728
Kiernan/Carver (Waterman/Luchessa)	176	55	221	452
Fairview Village SP (unincorporated)	264	84	324	672
Johansen/Empire North	1,430	444	1,764	3,638
<b>Total Site Potential</b>	<b>5,984-6,134</b>	<b>5,697</b>	<b>8,244</b>	<b>16,925</b>
<b>Remaining Need</b>	<b>5,929</b>	<b>2,544</b>	<b>3,647</b>	<b>12,120</b>
<b>Surplus/(Shortfall)</b>	<b>55-205</b>	<b>153</b>	<b>4,597</b>	<b>4,805-4,955</b>

The table above reflects the following assumptions:

1. Ten percent of the gross acreage in growth areas with an affirmative Measure M Vote consists of commercial and public facility uses.
2. Twenty-five percent of the gross residentially designated acreage in growth areas with an affirmative Measure M vote consists street right-of-way dedication.
3. The net residential acreage in growth areas with an affirmative Measure M Vote is comprised of 15% as multi-family and 85% as single-family.
4. In growth areas with an affirmative Measure M Vote, an average density of 22 units per net acre applies to multi-family and 6 units per net acre apply to single family.
5. Williamson Act Contracts are eligible for cancellation and will be cancelled



## B. FINANCIAL RESOURCES

The City has access to a variety of existing and potential funding sources available for affordable housing activities. These include programs from federal, state, local, and private resources. The following section describes the key housing funding sources currently used in the City – CDBG, HOME, ESG, and HOPWA funds – as well as other financing tools, including redevelopment set-aside funds, tax credits, and various HUD programs. Table 4-6 provides a complete inventory of the key financial resources available for housing development and services.

### Community Development Block Grant

Through the CDBG program, the federal Department of Housing and Urban Development (HUD) provides funds to local governments for funding a wide range of housing and community development activities for low-income persons.

The Parks, Recreation, and Neighborhoods Department administers the CDBG program for the City. Based on previous allocations, the City anticipates receiving an annual allocation of approximately \$2.5 million in CDBG funds during the 2003-2008 planning period for housing and housing support projects. In addition, revolving loan funds are expected to produce an additional \$1.3 million annually in CDBG monies. Consistent with HUD requirements, the priorities of the CDBG program include financing and support of projects to:

- Provide decent housing, including assisting homeless persons in efforts to obtain affordable housing; retention of affordable housing stock; and increasing the stock of housing affordable to low and moderate income people.
- Provide a suitable living environment, including improving the safety and livability of neighborhoods; increasing access to quality facilities and services; revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.
- Expand economic opportunities, including creating jobs accessible to low and moderate income persons; providing job development and skill training; and providing assistance for persons living in assisted and public housing to achieve self-sufficiency.

CDBG funds are used for site acquisition, rehabilitation, first-time homebuyer assistance, development of emergency and transitional shelters, and fair housing/housing counseling activities, among others. Additional activities in support of the new construction of affordable housing, include site acquisition, site clearance, and the financing of related infrastructure and public facility improvements.



## **HOME Investment Partnership Grant**

The purpose of the federal HOME Program is to improve and/or expand the supply of affordable housing opportunities for low-income households. Approximately \$1.2 million in HOME funds are allocated to the City on an annual basis. In addition, program income is generated from down payment assistance loans, with an expected future income of \$200,000 per year through 2008.

The City's HOME Program priorities include the following:

- Acquisition, rehabilitation and new construction of affordable multifamily rental housing
- Support of Community Housing Development Organizations (CHDOs)
- First-time homebuyer's assistance for low-income households

All projects funded with HOME funds must be targeted to very low and low-income households and must have permanent matching funds from non-federal resources equal to 25 percent of the requested funds. Consistent with program requirements, the City allocates 15 percent of HOME funds for use by CHDOs.

## **Emergency Shelter Grant**

The Emergency Shelter Grant (ESG) Program was established as part of the federal Stewart B. McKinney Homeless Assistance Act. The program provides funds for homeless shelters, social services for the homeless, and for homeless prevention efforts. Over the course of the planning period, Modesto expects to receive approximately \$88,000 annually in ESG funds from HUD. These funds are awarded to local non-profit and public agencies to provide emergency shelter and services for the homeless. In the past, ESG funds have been allocated to non-profits providing emergency shelters, transitional housing, food programs, skills training, and respite child care services.

## **Housing Opportunities for Persons with AIDS**

The Housing Opportunities for Persons with AIDS (HOPWA) program provides funding for housing development and related support services for low-income persons with HIV/AIDS and their families. A December, 1997 study by Community Housing and Shelter Services (CHSS) determined that the greatest needs of persons with AIDS is subsidized housing, with Section 8 vouchers ranking highest among needs. HOPWA funds have been primarily for shelter and rental assistance.



## Redevelopment Set-Aside Funds

In accordance with State law, the Modesto Redevelopment Agency sets aside 20 percent of all tax increment revenue generated from its redevelopment project areas to fund projects that increase, improve, or preserve the supply of affordable housing. Housing developed with these set-aside funds must remain affordable to low- and moderate-income households for at least 55 years for rentals and 45 years for ownership housing. Based on RDA projections, the Agency is expected to generate approximately \$770,000 in set-aside funds annually and anticipates using these funds to support the following major programs/activities during the planning period: new construction of affordable housing, acquisition/rehabilitation, first-time homebuyer assistance, and the residential displacement program. In recent years, the Agency has pooled set-aside monies to help fund planned large-scale projects. Funds may also be used to support other programs, including preservation of assisted housing, special needs housing, and other programs benefiting low and very-low income residents.

## Low Income Housing Tax Credits

Created by the 1986 Tax Reform Act, the Low Income Housing Tax Credits (LIHTC) program has been used in combination with City and other resources to encourage the construction and rehabilitation of rental housing for lower-income households. The program allows investors an annual tax credit over a 10-year period, provided that the housing meets the following minimum low-income occupancy requirements: 20 percent of the units must be affordable to households at 50 percent of area median income (AMI), or 40 percent of the units must be affordable to those at 60 percent of AMI. The total credit over the 10-year period has a present value equal to 70 percent of the qualified construction and rehabilitation expenditures. The tax credit is typically sold to large investors at a syndication value. These credits are available for all projects meeting the above-mentioned criteria and are applied for independently of City programs.

## Section 8 Assistance

The Section 8 program is a federal program that provides rental assistance to very-low income persons in need of affordable housing. The Section 8 program offers a voucher that pays the difference between the current fair market rent and what a tenant can afford to pay (e.g., 30 percent of the household income). The voucher allows a tenant to choose housing that may cost above the payment standard, but the tenant must pay the extra cost. Section 8 vouchers are issued by Stanislaus County, with Modesto's share equal to its percentage of overall population. The County currently has over 2,700 residents who receive Section 8 assistance.



## McKinney Act Funds – Shelter Plus Care

The Shelter Plus Care Program provides rental assistance, in connection with supportive services funded from sources other than this program, to homeless persons with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both, or have acquired immunodeficiency syndrome and related diseases) and their families. The program provides assistance through four components: (1) Tenant-based Rental Assistance (TRA); (2) Sponsor-based Rental Assistance (SRA); (3) Project-based Rental Assistance (PRA); (4) and Single-Room Occupancy for Homeless Individuals (SRO). The City received \$963,000 in fiscal year 2002 through this program, a funding level expected to continue annually through 2008.

**Table 4-6**  
**Financial Resources for Housing Activities**

Program Name	Description	Eligible Activities
<b>1. Federal Programs</b>		
<b>Community Development Block Grant (CDBG)</b>	Annual grants awarded to the City on a formula basis for housing and community development activities.	<ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Rehabilitation</li> <li>▪ Home Buyer Assistance</li> <li>▪ Economic Development</li> <li>▪ Infrastructure Improvements</li> <li>▪ Homeless Assistance</li> <li>▪ Public Services</li> </ul>
<b>HOME Investment Partnership Act Funds</b>	Flexible grant program awarded to City on a formula basis for affordable housing activities.	<ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Rehabilitation</li> <li>▪ Home Buyer Assistance</li> <li>▪ New Construction</li> </ul>
<b>Emergency Shelter Grants (ESG)</b>	Grants awarded to implement a broad range of activities that serve homeless persons in the City.	<ul style="list-style-type: none"> <li>▪ Shelter Construction</li> <li>▪ Shelter Operation</li> <li>▪ Social Services</li> <li>▪ Homeless Prevention</li> </ul>
<b>Housing Opportunities for Persons with AIDS (HOPWA)</b>	Funds for housing development and related support services for low-income persons with HIV/AIDS and their families. HOPWA funds are provided to the Community Housing and Shelter Services for use in communities throughout the County.	<ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Rehabilitation</li> <li>▪ New Construction</li> <li>▪ Housing-related Services</li> </ul>
<b>Section 8 Rental Assistance Program</b>	Rental assistance payments to owners of private market rate units on behalf of very low-income tenants. Section 8 program is administered by the Stanislaus County Housing Authority.	<ul style="list-style-type: none"> <li>▪ Rental Assistance</li> </ul>



**Table 4-6**  
**Financial Resources for Housing Activities**

<b>Program Name</b>	<b>Description</b>	<b>Eligible Activities</b>
<b>Mortgage Credit Certificate Program</b>	Income tax credits available to first-time homebuyers to buy new or existing single-family housing. Certificates are made available through the Stanislaus County Housing Authority.	<ul style="list-style-type: none"> <li>▪ Home Buyer Assistance</li> </ul>
<b>Low-income Housing Tax Credit (LIHTC)</b>	Tax credits are available to persons and corporations that invest in rental housing for lower income households. Proceeds from the sale of the credits are typically used to create housing.	<ul style="list-style-type: none"> <li>▪ New Construction</li> <li>▪ Acquisition</li> <li>▪ Rehabilitation</li> <li>▪ Historic Preservation</li> </ul>
<b>Shelter Plus Care Program</b>	Rental assistance that is tenant-based, project-based, or sponsor-based to maximize independence for disabled homeless persons. Funds to support the provision of permanent housing and supportive services for the homeless.	<ul style="list-style-type: none"> <li>▪ Rental Assistance</li> <li>▪ New Construction</li> <li>▪ Support Services</li> </ul>
<b>2. State Programs</b>		
<b>California Housing Finance Agency (CHFA) Rental Housing Programs</b>	Below market rate financing offered to builders and developers of multi-family and elderly rental housing. Tax exempt bonds provide below-market mortgages.	<ul style="list-style-type: none"> <li>▪ New Construction</li> <li>▪ Rehabilitation</li> <li>▪ Acquisition</li> </ul>
<b>California Housing Finance Agency (CHFA) Home Mortgage Purchase Program</b>	CHFA sells tax-exempt bonds to make below-market loans to first-time buyers. Program operates through participating lenders who originate loans for CHFA.	<ul style="list-style-type: none"> <li>▪ Home Buyer Assistance</li> </ul>
<b>Proposition 46 Housing Funds</b>	California voters approved a \$2.1 billion bond to address the State's affordable housing crisis. According to HCD, the housing bond will create up to 22,000 permanently affordable homes for rent; enable more than 65,000 families to purchase their own homes; provide housing assistance for 12,000 to 24,000 farmworker families; and underwrite 20 million shelter bed days for homeless people. These bond funds will be available on a competitive basis and represent a major opportunity to leverage local monies for affordable housing.	<ul style="list-style-type: none"> <li>▪ New construction/acquisition</li> <li>▪ Homebuyer assistance</li> <li>▪ Supportive assistance</li> <li>▪ Farmworker housing</li> </ul>



**Table 4-6  
Financial Resources for Housing Activities**

<b>Program Name</b>	<b>Description</b>	<b>Eligible Activities</b>
<b>Jobs-Housing Balance Grant</b>	The Jobs Housing Balance Incentive Grant (JHB) awards production of residential units by permit activity that exceeded the threshold as established in the guidelines.	<ul style="list-style-type: none"> <li>▪ Capital asset project, service, or other local need determined by the recipient to be in the community's best interest</li> </ul>
<b>Downtown Rebound</b>	Funding to facilitate infill development and conversion of commercial buildings for "live-work" spaces.	<ul style="list-style-type: none"> <li>▪ Rehabilitation</li> <li>▪ Conversion</li> </ul>
<b>3. Local Programs</b>		
<b>Redevelopment Housing Set-Aside Funds</b>	State law requires that 20% of Redevelopment Agency funds be set aside for a wide range of affordable housing activities.	<ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Rehabilitation</li> <li>▪ New Construction</li> </ul>
<b>Single-Family Mortgage Revenue Bond</b>	Issue mortgage revenue bonds to support the development and improvement of affordable single-family homes to qualified households.	<ul style="list-style-type: none"> <li>▪ New Construction</li> <li>▪ Rehabilitation</li> <li>▪ Acquisition</li> </ul>
<b>Multi-Family Mortgage Revenue Bond</b>	Issue mortgage revenue bonds to support the development and improvement of affordable multi-family homes to qualified households.	<ul style="list-style-type: none"> <li>▪ New Construction</li> <li>▪ Rehabilitation</li> <li>▪ Acquisition</li> </ul>
<b>4. Private Resources/Financing Programs</b>		
<b>Federal National Mortgage Association (Fannie Mae)</b>	<ul style="list-style-type: none"> <li>▪ Fixed rate mortgages issued by private mortgage insurers.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Home Buyer Assistance</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Mortgages which fund the purchase and rehabilitation of a home.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Home Buyer Assistance</li> <li>▪ Rehabilitation</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Low Down-Payment Mortgages for Single-Family Homes in under served low-income and minority cities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Home Buyer Assistance</li> </ul>
<b>California Community Reinvestment Corporation (CCRC)</b>	Non-profit mortgage banking consortium designed to provide long term debt financing for affordable rental housing. Non-profit and for profit developers contact member banks.	<ul style="list-style-type: none"> <li>▪ New Construction</li> <li>▪ Rehabilitation</li> <li>▪ Acquisition</li> </ul>
<b>Federal Home Loan Bank Affordable Housing Program</b>	Direct subsidies to non-profit and for profit developers & public agencies for affordable low-income ownership and rental projects.	<ul style="list-style-type: none"> <li>▪ New Construction</li> </ul>
<b>Freddie Mac</b>	Provides first and second mortgages that include rehabilitation loan. City provides gap financing for rehabilitation component. Households earning up to 80% MFI qualify.	<ul style="list-style-type: none"> <li>▪ Home Buyer Assistance</li> </ul>



## C. ADMINISTRATIVE RESOURCES

Non-profit agencies that are involved in housing development represent a substantial resource for the provision of affordable units in a community. Nonprofit ownership helps assure that these housing units will remain as low-income housing. Described below are major public and non-profit agencies that have been involved in affordable housing activities throughout Modesto. These agencies/organizations play important roles in the production, improvement, preservation, and management of affordable housing.

### City of Modesto

The City maintains overall responsibility for the development of housing and community development plans, policies, and strategies, including the City's Housing Element and the Consolidated Plan. In addition, various City departments implement programs designed to increase and maintain affordable housing; expand economic and social opportunities for lower income, homeless and special needs populations; and revitalize declining neighborhoods.

#### Community and Economic Development Department

The Community and Economic Development Department is responsible for both long-range and current planning of development in the City. The Department plans for, encourages and facilitates private investment in the community by coordinating those municipal activities that affect such investment. The Department is comprised of three divisions: Business Development Office; Building and Development Services; and Planning.

Planning Division provides effective planning to manage growth and change in a manner that avoids unsightly and leapfrog development, rapid urban sprawl into prime agricultural land, destruction of environmentally sensitive areas, and unfunded infrastructure needs. The Division provides professional planning knowledge and research to the public hearing bodies of the City on both zoning and land use matters. Public hearing bodies for planning entitlements within Modesto's include City Council, Planning Commission, and Board of Zoning Adjustment. The Planning Division is responsible for the development and implementation of the General Plan, including the Housing Element, as well as other development-related plans such as specific plans and urban growth reviews.

The Building and Development Services Division carries out building inspection and code enforcement activities designed to ensure the safety of the City's housing stock. Significant resources of the division are utilized in conjunction with the maintenance and rehabilitation of low-income properties, in accordance with numerous City assistance programs. In addition, the division helps implement and educate community members regarding the City's weatherization, emergency home repair, and energy conservation programs.



## **Redevelopment Agency**

The Redevelopment Agency supports and provides resources for affordable housing development for all areas of the City. In accordance with State law, the Redevelopment Agency reserves 20 percent of its annual tax increment revenues for the support of affordable housing projects. RDA resources are used to support the maintenance and expansion of affordable homeownership and multi-family rental opportunities within the redevelopment areas. These funds may be pooled with other resources to maximize efficient use of available funds, depending on project needs and the funding status of other programs.

## **Parks and Neighborhood Services Department**

The Parks and Neighborhood Services Department is responsible for administering the City's housing assistance programs, including the first-time homebuyer and rehabilitation programs. The Department also administers the CDBG, HOME, and ESG funds for housing and supportive services.

## **Housing Authority of Stanislaus County**

The Stanislaus County Housing Authority plays a major role in supporting and implementing the City's housing programs. The Housing Authority is responsible for the County's public housing and rental assistance programs (e.g. Section 8 certificates and vouchers, mortgage credit certificates), operates rental housing rehabilitation programs for several jurisdictions, and is the sponsor for selected affordable housing projects. The Housing Authority retains ongoing responsibility for management of its facilities serving the homeless and other special needs groups.

## **Habitat for Humanity**

Habitat for Humanity is a non-profit agency dedicated to building affordable housing and rehabilitating homes to provide affordable homeownership opportunities for lower income families. Habitat builds and repairs homes with the help of public funds, private donations, volunteers, and partner families. Habitat homes are sold to partner families at no profit with affordable, no-interest loans. Volunteers, churches, businesses, and other groups provide most of the labor for the homes. Habitat is active in pursuing sites for residential development to aid low-income families.



## **Community Housing and Shelter Services**

Community Housing and Shelter Services (CHSS) is a non-profit agency that assists the homeless and lower-income residents through provision of transitional and shelter facilities, various housing assistance programs, information and education programs, and community outreach. CHSS maintains and runs several transitional housing facilities, including Laura's House and the Samaritan House. CHSS receives funding from multiple HUD programs, including HOPWA, ESG, and CDBG in providing its services.

## **Disability Resource Agency for Independent Living**

Disability Resource Agency for Independent Living (DRAIL) provides information, education, and advocacy on accessible and low-income housing and maintains a current housing list for renters. DRAIL staff assists low-income persons with disabilities with their Homeowner's and Renter's Tax Assistance forms. This agency also provides information on City and County programs designed to assist low-income residents.

## **Gospel Mission**

This privately funded and faith-based shelter is located on a two-block campus including seven buildings on Yosemite Boulevard. The Gospel Mission provides 225 beds to single women, single men, and single adults with children. The Mission serves 150,000 meals per year to clients and to the general public. Two thousand people are served by the Mission each year.

## **Project Sentinel**

Project Sentinel serves as the fair housing provider for residents of Modesto. This agency provides information and education on fair housing laws, actively addressing issues of housing discrimination. In addition to education programs, Project Sentinel also offers landlord/tenant mediation, referrals on various housing issues, and support for other agencies in ensuring provision of affordable housing for all segments of the population.

## **Stanislaus County Housing Support Services Collaborative**

This consortium of area fair housing providers, service providers, non-profit developers, government agencies, homeless advocates, veterans, and others advocates the provision of affordable, safe, and decent housing in Modesto. The goal for the SCHSSC is to develop a viable working Continuum of Care Plan. The SCHSSC is committed to working collaboratively on identifying needs and service gaps.



## Stanislaus County Affordable Housing Corporation (STANCO)

STANCO has two transitional houses within Stanislaus County: one located on Maze Boulevard that provides three units, and the second located on Powell, providing one unit. STANCO works with CHSS for operation of its facilities, as well as future development plans for care facilities.

### Salvation Army

In January of 2004, the City Council declared a “Shelter Crisis” under California Government Code Section 8698 (d) and a temporary emergency shelter was immediately established at 320 Ninth Street. This declaration allowed the City to suspend certain development standards and development code requirements that were non-safety in nature. This emergency shelter facility was remodeled and furnished over a four-week period with City coordination and much community participation. The Salvation Army elected to operate the shelter during the emergency period. The shelter accommodates 50 adults.

## D. OPPORTUNITIES FOR ENERGY CONSERVATION

Utility-related costs can directly impact the affordability of housing in Northern California, particularly in light of the 2002 energy crisis. Title 24 of the California Administrative Code sets forth mandatory energy standards for new development and requires adoption of an “energy budget.” In turn, the home-building industry must comply with these standards, while localities are responsible for enforcing the energy conservation regulations.

The following are among the alternative ways to meet these energy standards.

- *Alternative 1:* The passive solar approach which requires proper solar orientation, appropriate levels of thermal mass, south-facing windows, and moderate insulation levels.
- *Alternative 2:* Generally requires higher levels of insulation than Alternative 1, but has no thermal mass or window-orientation requirements.
- *Alternative 3:* Also is without passive solar design but requires active solar water heating in exchange for less stringent insulation and/or glazing requirements.

Additional energy conservation measures include: (1) locating the home on the northern portion of the sunniest location of the site; (2) designing the structure to admit the maximum amount of sunlight into the building and to reduce exposure to extreme weather conditions; (3) locating indoor areas of maximum usage along the south face of the building and placing corridors, closets, laundry rooms, power core, and garages along the north face; and (4) making the main entrance a small enclosed space that creates an air lock between the



building and its exterior; orienting the entrance away from winds; or using a windbreak to reduce the wind velocity against the entrance.

Utility companies serving the City offer various programs to promote the efficient use of energy and assist lower income customers. These programs are discussed below.

## **Pacific Gas & Electric**

Pacific Gas & Electric (PG&E) provides natural gas services to Modesto residents. The company offers a variety of energy conservation services to residents, and PG&E also participates in several other energy assistance programs for lower income households which help qualified homeowners and renters conserve energy and control costs. These include the California Alternate Rates for Energy (CARE) Program and the Relief for Energy Assistance through Community Help (REACH) Program.

The California Alternate Rates for Energy Program (CARE) provides a 15 percent monthly discount on gas and electric rates to income-qualified households, certain non-profits, facilities housing agricultural employees, homeless shelters, hospices, and other qualified non-profit group living facilities.

The REACH Program provides one-time energy assistance to customers who have no other way to pay their energy bill. The intent of REACH is to assist low-income customers, particularly the elderly, disabled, sick, working poor, and the unemployed, who experience severe hardships and are unable to pay for their necessary energy needs.

In addition, the State Department of Health and Human Services funds the Home Energy Assistance Program (HEAP). Under this program, eligible low-income persons, via local governmental and non-profit organizations, can receive financial assistance to offset the costs of heating and/or cooling dwellings.

## **Modesto Irrigation District**

The Modesto Irrigation District (MID) provides electricity in Modesto. MID also offers energy conservation programs, including the CARE Service Program that provides a 20 percent discount to households that are below MID income limits.

## **Turlock Irrigation District**

The Turlock Irrigation District (TID) providing electric power to the portion of Modesto south of the Tuolumne River. TID offers the We Care program, which provides a 15 percent discount for the first 800 kWh of usage to income-qualified households. This program is administered by the Salvation Army.

# REVIEW OF 1992 HOUSING ELEMENT PERFORMANCE

## A. PURPOSE

In developing a housing strategy for the City, it is important to begin by reviewing the actions and approaches the City has utilized in the past. In addition to meeting a requirement of State law, an analysis of the past actions provides a beginning framework of what approaches, policies, and programs have been successful in helping meet the City's housing goals. This review will help ensure that the past accomplishments and lessons learned are reflected in future policy, and that new approaches are formed and implemented in areas of concern.

The City last prepared a comprehensive update of the Housing Element in 1992. This Element was re-adopted by the City in 1997 and has served as the City's housing policy for the past ten years. In assessing the ability of the policies and programs to accomplish the goals set forth in the 1992 Element, a variety of methods are used. While many of the programs had quantified targets established, many others were left open regarding their anticipated productivity. With unquantified programs, the assessment of relative success will be based on the individual program's contribution to the overall goal. All assessments will be for the time period in which the document was in effect; 1992-2002.<sup>1</sup> The most recent information available was used for analysis of each program.

This paper is an assessment of the performance of the City's 1992 Housing Element, based on its adopted goals, policies, and programs. Included in this section is a summary of each program and policy adopted to meet the stated housing goals, and an analysis of the relative successes and failures of each. The analysis concludes with a discussion regarding the usefulness and continued appropriateness of the individual programs for the 2003-2008 housing element period. The review is based on the three adopted goals of the 1992 Housing Element.

- A. Match housing supply with need
- B. Maximize housing choice throughout the community
- C. Provide safe and decent housing

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<sup>1</sup> Some programs and policies were discontinued, consolidated, or replaced before 2002. In these cases, the assessment will be based on the period in which the program or policy remained in effect.



## **B. ASSESSMENT OF GOALS**

### **Match Housing Supply with Need**

In the 1992 Housing Element, the City adopted four policies directed at accomplishing the goal of providing a sufficient amount and type of housing for the anticipated needs of the residents of Modesto. These policies laid out a direction for the implementation programs. The policies focus on providing housing for residents of all income ranges, ensuring incremental ranges in housing to allow for step-up buying opportunities, and focusing on the needs of the disadvantaged in creating housing choice.

The Stanislaus Council of Governments (StanCOG) assigned a Regional Housing Needs Assessment (RHNA) for the period of 1990-1997 for all communities in Stanislaus County. This assessment provided a total number of anticipated units needed to accommodate growth within Modesto during this time frame. The RHNA determined that the City needed to produce 11,688 new residential units in the 7.5 year housing cycle.

Because of the recession of the mid-1990s, budget from the State for local councils of governments to develop the RHNA for the 1997-2002 cycle was eliminated and special legislation was adopted to suspend the housing element update process. As such, local jurisdictions were given an extended period of time to fulfill the previous RHNA. Housing units developed between July 1, 1992 and December 2000 can count toward the RHNA for the 1992 housing element.

Based on building permit data, 5,932 units were constructed during this time frame. A variety of reasons contributed to the City's lower housing production than the RHNA allocation. The major reasons include:

- The recession of the mid-1990s slowed residential development throughout the Central Valley and the State of California.
- Population growth in the City was well below the expected increases established by the State of California. The California Department of Finance, which provides population projections used in the needs determination, estimated a 2000 population for the City of 244,850. The actual 2000 U.S. Census population for the City was 188,856.

The reduction in anticipated population growth and the recession of the mid 1990s resulted in a significantly lower than expected amount of housing production both in the City of Modesto and throughout the Central Valley. Table 5-1 shows the total housing production from 1992-2000 and the corresponding goal for production.



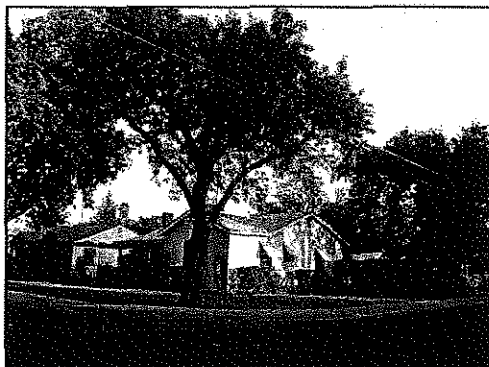
**Table 5-1  
Housing Production from 1992-2000**

Year(s)	Units Produced	Goal	% of Goal Produced
1992-1997	2,242	n/a	19%
1998-2000	3,690	n/a	32%
Total	5,932	11,688	51%

Housing production has increased dramatically in the past three years due to a number of factors, including a significant influx of Bay-area residents, expanded economic development within the City and the region, and the other factors.

### Program Analysis

The City adopted and implemented 27 programs to meet the goal of matching housing supply with housing need. These included various investment and rehabilitation activities within the Redevelopment Agency, establishment of housing funds, use of HOME, CDBG, and other federal funds, and partnerships with non-governmental organizations throughout the County. A full listing of the programs and their accomplishments can be found at the end of this chapter in Table 1-2 Housing Accomplishments Table. The highlights of the accomplishments and programs are as follows:



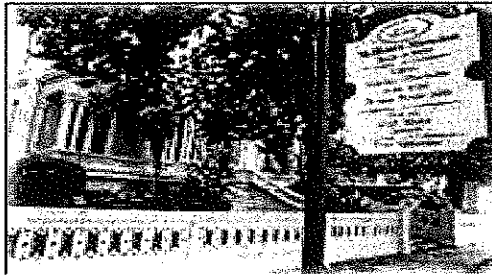
- Federal funds such as Community Development Block Grants and HOME funds, as well as local funds such as Redevelopment Set-Aside funds, have been instrumental in providing financing for low- and very low-income housing projects. Federal Low-Income Housing Tax Credits (LIHTC) have also provided a significant source of financing for new housing projects, being used for the development of 263 low-income units in the City since 1992. Redevelopment Set-Aside funds have helped create or rehabilitate 296 units since 1992.



- The First-time Homebuyer Program has utilized all of its funds each year providing downpayment assistance since its adoption in 1995. Over the past seven years, it has helped 268 Modesto households become first-time homeowners.



- Countywide programs, such as the Section 8 Voucher Program and the Mortgage Credit Certificate Program, have provided rental and ownership assistance to 1,167 households throughout Stanislaus County since 1992. No exact figures are available for the City of Modesto, but it is estimated that more than half of the assistance from the programs occurs in Modesto.



- A community-wide housing group, the Stanislaus Housing and Support Services Collaborative, was formed in 2000 to coordinate and discuss activities among the various housing providers and advocates in the City. The meetings of this group have resulted in increased knowledge and information sharing among the groups, and promoted the City's goal of improving referral accuracy among groups.

## Maximize Housing Choice throughout the Community

The second goal of the City in the 1992 Housing Element was to maximize the choice of housing and housing opportunities for residents throughout the community. Four policies were adopted in the Element to direct programs to achieve this goal. These goals directed the housing policy to:

- Promote equal opportunity for all residents to reside in the housing of their choice.
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all citizens.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.
- Work to promote energy conservation activities in all residential neighborhoods.

### Program Analysis

Establishing and maintaining diverse neighborhoods with a mix of housing types and affordability was the approach taken to realize this goal. The City made several important policy decisions to further this aim, including establishing 24 Comprehensive Planning Districts to allow for planning of each area of town in a coordinated manner, establishment of numerous policies to promote affordable and multi-family development in Village One (a traditionally moderate and upper income single-family area), and prioritized use of federal and local funds to help balance housing choices throughout the community.



The Housing Element has had mixed results with regard to this goal. Major accomplishments during the cycle include improving coordination between the City and fair housing providers, establishment of energy conservation programs to improve efficiency within homes and reduce costs to homeowners, and adopt numerous policies, ordinances, and resolutions aimed at removing barriers to housing production within the City. While these areas of the Element have shown positive results, there have been areas which have failed to produce the desired outcomes. Rising housing costs have led to a lack of choice among housing, especially in recent years and in lower income brackets. There remain significant economic disparities in housing costs in some areas of the City. Finally there has been a lack of affordable housing produced in targeted areas, especially in Village One.

Many of the programs and ordinances adopted to achieve this goal have had positive results, while some have been neutral or negative in effect. City policy has evolved over the past 10 years, often in an attempt to accomplish one goal at the expense of another. The mixed results of the programs for this goal are due largely to the mutual incompatibility of some policies and the need of the City to prioritize total housing production over diversity within particular areas.

The highlights of the accomplishments and programs are as follows:

- The City has revised and maintained clauses in the zoning ordinance to allow for a variety of housing options within single-family districts, including provisions to allow for second units and manufactured housing to be created in all single-family zones. Consistent with State law, these activities help allow for more diversity within neighborhoods and promote improved housing choice.
- City support of groups such as Project Sentinel (Fair Housing Agency), the Human Relations Commission, and SHSS Collaborative (as referred to under Goal 1) has strengthened the City's commitment to fair housing and reducing discrimination within Modesto.
- The Multi-family Developer Incentive Program, which uses deferrals and exemptions of Capital Facilities Fees to encourage development of multi-family housing, has provided more than \$800,000 in financial incentives to developers since 1992. The program has helped add 334 new multi-family units to the City's housing stock during this span, and represents one of the most successful City programs for promoting housing choice within the community.
- The City's Housing Program Office, as well as utility providers in the area, provides no-cost or low-cost weatherization for homes within the City. The City provides this service as part of several programs, including the Emergency Home Rehabilitation Program and the Disabled Access Assistance Program. The programs are marketed through brochures and by staff at neighborhood meetings.



## Provide Safe and Decent Housing

The third goal of the City in the 1992 Housing Element was to ensure that housing within the community was both safe and decent. Three policies were adopted in the Element to direct programs to achieve this goal. These goals directed the housing policy to:

- Maintain a supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.
- Focus the use of City resources for housing rehabilitation and assist housing in those neighborhoods and residents having the greatest need for housing assistance.
- The City should make a maximum effort to preserve, of its lower-income households, the units in assisted housing developments that are at risk of converting to market rate uses.

### Program Analysis

Rehabilitation and improvement of existing housing stock is vital to the goal of providing safe and decent housing within the community. To this end, the City has adopted a variety of programs and actions aimed at improving the quality of both individual homes and entire neighborhoods, focusing not only on safety and health issues, but also aesthetic and maintenance concerns. Targeted rehabilitation programs have helped hundreds of households make emergency repairs, improve dilapidated and unsafe houses, and establish neighborhood identity in older areas of town.

Between 1992 and 2002, the various rehabilitation and assistance programs of the City have helped improve more than 500 properties. The highlights of the accomplishments and programs are as follows:

- The City currently operates a Housing Maintenance Program, which provides grants to repair and improve all properties within a designated neighborhood. This program addresses the issue of deteriorating neighborhood quality and identity by ensuring that all homes along a particular street or within a geographic area receive assistance for improving the property. This program has made grants for the improvement of 353 homes since 1992.
- The City created the Emergency Home Repair Program (formerly the Home Emergency Loan Program) to assist low-income residents in making necessary emergency repairs for safety and health. This program has provided assistance in the form of loans and grants to 106 households since 1992.
- Market rate housing is a large component of the City's goal to provide a sufficient amount and quality of safe and decent housing. Based on averages from the previous decade, it was assumed in the 1992 Housing Element that an average of 1,000 units per year would be produced independent of subsidy or action by the City. The recession of the early 1990s dramatically slowed residential construction, and it was



not until 1998 that the City first achieved 1,000 units constructed in a single calendar year. In all, 6,733 units were produced in the ten-year span, an average of 673 units per year of market rate construction.

## C. ASSESSMENT OF PROGRAMS

The following pages contain the Housing Accomplishments Table, a summary of each of the programs and policies enacted by the City in the 1992 Housing Element, a summary of the accomplishments of each program, and a brief discussion of its continued relevance or usefulness to the City’s housing goals. The information in the table comes from a variety of sources, including data from Census 2000, program and implementation information from the Community Development Department, Parks, Recreation, and Neighborhoods Department, Development Services Department, Public Works Department, and a host of community service providers within the community.

The results shown in Table 5-2 are an indication of the relative success of each program in meeting its overarching goal. Reasons for the successes or failures of particular programs are provided when known and applicable.

**Table 5-2  
Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
<b>GOAL 1: MATCH HOUSING SUPPLY WITH NEED</b>		
<b>Policy 1a Establish and/or support programs to supply below market housing for very-low, low- and moderate-income households, as well as market rate housing.</b>		
1a.1	<p><b><u>Affordable Housing Catalog</u></b></p> <p><b>Program Description – Existing:</b> Aggressively explore the variety of potential financial housing assistance programs from both the public and private sector to provide more affordable housing units. Update the Village One Affordable Housing Catalog (A.H.C.); which highlights all available local, state, federal and private affordable housing programs; to include citywide programs for new housing as well as programs that assist in the conservation and/or rehabilitation of existing housing. This catalog should include ways to leverage additional funds to provide an even greater number of affordable housing units.</p>	<p>The City has been actively exploring and utilizing a variety of financial and housing assistance programs, including grant funding, federal, state, and local assistance programs, coordination with developers, use of redevelopment funds, and other mechanisms to support affordable housing goals. Funding sources utilized include CDBG, HOME, RDA Set-Aside, and Mortgage Revenue Bonds. The Village One A.H.C. has not been updated, and has not served as a primary tool for encouraging affordable housing in Modesto.</p>



**Table 5-2  
Housing Accomplishments since 1992**

<b>Housing Program</b>	<b>Program Action/Objective</b>	<b>Accomplishment/Continued Appropriateness</b>
1a.2	<p><b><u>Citywide Housing Trust Fund</u></b></p> <p><b>Program Description – New:</b> The City shall seek to establish a Citywide Housing Trust Fund whose purpose would be to provide financial support to various housing programs, and to increase the supply of housing affordable to very-low, low- and moderate-income households. The Housing Trust Fund should also seek to improve the neighborhoods and housing conditions of the City’s residents who are at or below 80% of the area median income, as established by HUD.</p>	<p>The City has in past years combined various funding sources, including HOME and Low-Moderate Set-Aside funds, in order to increase affordable housing opportunities. While this is not currently in operation, the establishment of such a fund may again prove useful in the future, and this program should continue to be considered for use. The Updated Housing Element will address the continued appropriateness of this program.</p>
1a.3	<p><b><u>Community Housing Coalition</u></b></p> <p><b>Program Description – New:</b> Consider the establishment of a local community housing coalition that may include the following: Realtors, developers, business leaders, environmentalists, low-income housing producers and social service providers. This coalition could meet on a semi-annual basis to discuss and exchange information on successful affordable housing programs that can be implemented on a community-wide basis.</p>	<p>A community housing coalition, the Stanislaus Housing and Support Services Collaborative, was formed in 2000 to address housing issues within the entire County. This group holds monthly meetings, with representation by more than 40 involved agencies, to discuss housing policy, homelessness issues, and coordination within the County.</p>
1a.4	<p><b><u>Community Reinvestment Act</u></b></p> <p><b>Program Description – New:</b> The City shall seek to establish a program to work with local Community Reinvestment Act lenders. This program could be the development of a resource list for interested developers/builders, as well as commercial lenders interested in funding construction loans for low-income housing. As a result of the passage of the Community Reinvestment Act, many commercial lenders have developed an interest in funding low-income projects, within their local community.</p>	<p>Modesto does not currently monitor the affordable housing lending activities of local financial institutions under the Community Reinvestment Act. CRA monitoring is done at the national level by the Office of the Comptroller of the Currency, under the U.S. Department of the Treasury. Establishing programs with high ranking CRA lenders will continue to be a program priority for the City. As part of the City’s Housing Element Update, the City will evaluate the availability of mortgage lending and top lenders in the community using the Home Mortgage Disclosure Act (HMDA) data.</p>



**Table 5-2**  
**Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
1a.5	<p><b><u>Comprehensive Housing Affordability Strategy (CHAS)</u></b></p> <p><b>Program Description – New:</b> HUD requires communities to develop a CHAS in order to apply for certain housing assistance programs. 1991 was the first year in which CHAS was required. The development of the 1992 CHAS shall be consistent and reflect the policies and programs of the Housing Element. Preparation of a CHAS acts as a jurisdictions' "notice of intent" to participate in applying for program funding offered by HUD.</p>	<p>The City prepared its final CHAS shortly after the 1992 Housing Element was adopted. The CHAS was replaced in 1993 by HUD with the Consolidated Plan, which has a broader scope and better summarizes housing activities and approaches. Modesto has prepared the 2000-2005 Consolidated Plan consistent with the adopted Housing Element for HUD funding purposes.</p>
1a.6	<p><b><u>Density Bonus</u></b></p> <p><b>Program Description – Existing:</b> Continue to grant density bonuses for the provision of affordable housing units as required by state law. The units shall remain affordable for a minimum of 10 years. For those granted additional incentives, the units must remain affordable for 30 years.</p>	<p>The City continues to offer density bonuses to developers of affordable and senior housing, as required by Government Code section 65915. Municipal Code section 10-3.103 provides density bonuses for all developers meeting the minimum requirements of the City. One project in the City has received a density bonus during the previous housing cycle. Projects meeting the minimum requirements must remain affordable for a minimum of 10 years, while projects receiving incentives beyond the minimum bonus must remain affordable for at least 30 years. The City will continue to comply with the State density bonus provisions.</p>
1a.7	<p><b><u>Land Banking</u></b></p> <p><b>Program Description – New:</b> The City shall work toward establishing a land banking program for very-low, low- and moderate-income housing. In this program, the City's Nonprofit Housing Corporation, or Redevelopment Agency would purchase land for affordable housing where there is a reasonable expectation that development will occur there in the short-term future. (The establishment of a Citywide Nonprofit Housing Corporation is listed under Program 1a.10.)</p>	<p>The City has utilized land banking once in its provision and support of affordable housing. Several lots in the airport neighborhood were acquired by the City and made available to the affordable housing developer DLA. These lots were not developed by DLA for financial reasons. The City will continue to consider use of land banking for promoting affordable housing opportunities. HOME regulations allow for holding of land for no more than two years, so careful consideration of what funding sources are used in the land banking program is essential to the success of the program.</p>



**Table 5-2**  
**Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
1a.8	<p><b><u>Low- and Moderate-Income Housing Fund</u></b></p> <p><b>Program Description – Existing:</b> State law (AB265) required all redevelopment project areas in the state to set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. Furthermore, Chapter 1140, Statutes of 1989 amended the Housing Element Law to require the housing program of an Element to include a description of the use of monies in the Redevelopment Agency's Low- and Moderate-Income Housing Fund. This fund was established with the adoption of an expanded project area in 1991. It is estimated that over the next five years there will be one million dollars accumulated in this fund. It has not yet been determined how these funds will be used. However, this Housing Element proposed several programs (e.g. 1a.11, 1a.13 and 1b.3) that could assist the Redevelopment Agency in increasing and improving the community's supply of low- and moderate-income housing.</p>	<p>The Redevelopment Agency sets aside 20% of tax increment financing revenue for use in the Low and Moderate Income Housing Fund. Until late in 2000, the Low-Moderate Income Housing Fund was combined with HOME funds for use on low-income housing projects throughout the City. These funds were fully expended each year. Since 2000, the Redevelopment Agency has been pooling monies in the fund to promote a coordinated downtown development project with a substantial amount of low-income housing. These funds are expected to be distributed in 2003.</p>
1a.9	<p><b><u>Multi-Family Mortgage Revenue Bonds (MFMRB's)</u></b></p> <p><b>Program Description – Existing:</b> Continue to participate in mortgage revenue bond programs when market conditions stimulate developer participation. MFMRB's provide tax-exempt low-cost financing to developers of projects who provide a portion of rental units at rents affordable to lower income households.</p>	<p>The City has issued one new Multi-Family Mortgage Revenue Bond during the most recent housing cycle for the production of multi-family housing, financing \$2.2 million of the Shadowbrook Apartments in 2001.</p>
1a.10	<p><b><u>Nonprofit Housing Development Corporation</u></b></p> <p><b>Program Description – New:</b> Establishment of a Nonprofit Housing Development Corporation to promote, assist and or sponsor housing developments in the City of Modesto for lower income families. The City will establish a Nonprofit Housing Development Corporation. The City will develop a citywide publicly-assisted program to be administered by the nonprofit. This present program does not prohibit the City from working with STANCO or other nonprofit housing agencies, nor does it require the creation of a new agency. When this program is implemented, the most effective agency structure will be determined at that time.</p>	<p>STANCO is currently the only local nonprofit housing development corporation located in Modesto. The City has provided support to STANCO and DLA (a now-defunct low-income developer) during the previous housing cycle through land dedication and financial assistance. The City continues to seek out new groups interested in forming a nonprofit housing development corporation, and will continue its support of all groups working towards affordable housing goals.</p>



**Table 5-2  
Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
1a.11	<p><b><u>Relocation Assistance Program</u></b></p> <p><b>Program Description – Existing:</b> This program assists residents who may need relocation assistance because of the Redevelopment Agency actions. If relocation is necessary, this program helps to minimize relocation as much as possible by implementing the Agency’s relocation guidelines.</p>	<p>The City has adopted a relocation assistance ordinance as part of the Implementation Plan. Due to a lack of displacement activity by the Redevelopment Agency, no action has been taken under the program. The City will continue to comply with the relocation assistance ordinance should future redevelopment activities result in displacement of existing residents.</p>
1a.12	<p><b><u>Section 8 Certificate Program</u></b></p> <p><b>Program Description – Existing:</b> Under this program, eligible participants pay a maximum of 30 percent of their income for rent. The program then pays the difference between the rent the participants pay and total (market rate) rent of the unit.</p>	<p>The Stanislaus County Housing Authority has a current total of 3,995 Section 8 vouchers allocated to residents of the County, as of October 2002. In addition, there is a long waiting list for these vouchers. Overall, this program is very successful in assisting very low-income households in obtaining affordable housing. The City will continue to participate in this program to expand affordable housing opportunities for City residents.</p>
1a.13	<p><b><u>Support Nonprofit Housing Sponsors</u></b></p> <p><b>Program Description – Existing:</b> Support nonprofit corporations such as the Stanislaus County Affordable Housing Corporation in their efforts to make housing more affordable to lower- and moderate-income households.</p>	<p>The City has assisted STANCO and DLA with CHDO (Community Housing Development Organization) grants, developed partnerships for affordable housing projects, and provided assistance for the Housing Authority of the County of Stanislaus, Habitat for Humanity, Community Housing and Shelter Services, the Children’s Crisis Center, Hutton House, and the Haven.</p>
1a.14	<p><b><u>Very-low Income Renters Assistance Program</u></b></p> <p><b>Program Description – New:</b> Establish a Renters Assistance Program to assist very-low income households seeking new rental housing in Village One. Possible very-low-income households needing assistance: senior citizens (Senior housing will be provided in the Village Center, as described in the Village One Specific Plan). If this program proves successful, consideration will be made to establish a program of this nature citywide.</p>	<p>The City has not adopted a Renters Assistance Program in Village One. There have been no affordable housing projects completed or approved in the Village One planning area during the previous housing cycle, thus there has not been a need to utilize such a program. Renter’s Assistance is provided by CHSS for renters throughout the City, including for potential future developments in Village One.</p>



**Table 5-2**  
**Housing Accomplishments since 1992**

<b>Housing Program</b>	<b>Program Action/Objective</b>	<b>Accomplishment/Continued Appropriateness</b>
1a.15	<p><b><u>Village One Housing Trust Fund/Equity Sharing Program</u></b></p> <p><b>Program Description – New:</b> The City shall draft and adopt an ordinance establishing a Housing Trust Fund/Equity Sharing Program, which will be supported by a developer fee based on single family homes built in excess of 800 square feet. This program will assist eligible low- and moderate-income households with “gap financing”, with the City taking equity share in the home. The funds collected from the Equity Sharing Program will go into the Housing Trust Fund. The program represents the best utilization of local resources and was developed by the Village One Affordable Housing Task Force. In addition, should State or Federal government funds become available; the City will consider applying for these funds to assist in the implementation of this program.</p>	<p>A Housing Trust Fund was proposed and authorized for the Equity Sharing Program in Village One. However, the fund and program were eliminated by the City Council in the mid 1990s during the recession and housing construction slow-down in Modesto. The intent of the Council in eliminating the program was to remove a regulatory barrier to housing to facilitate new construction of housing units</p>
1a.16	<p><b><u>HOME Consortium Program</u></b></p> <p><b>Program Description – New:</b> The City of Modesto will explore participating in the formation of a Consortium for the purpose of seeking increased federal funding under the HOME program. The formation of the Consortium should include other incorporated cities and the County, along with the Stanislaus County Housing Authority. It is assumed that this Consortium could potentially increase the entitlement funding for all members, including the City.</p>	<p>The County of Stanislaus, along with the cities of Modesto and Turlock, entered into talks to form a HOME Consortium in the early 1990s. A Consortium was formed, but the City of Modesto elected not to participate. Since then, the City has become an entitlement jurisdiction under the HOME Program. This status offers the City much greater local control over the program and therefore the City is not likely to join the consortium in the near future.</p>
<p><b>Policy 1b Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, elderly, homeless and large families (families with five or more persons).</b></p>		
1b.1	<p><b><u>Federal Low-Income Tax Credits</u></b></p> <p><b>Program Description – Existing, but limited source of funding:</b> Encourage the use of Federal Tax credits for the production of low-income housing. City staff will research the use of Federal Tax Credits and request application packets from the Mortgage Bond Allocation Committee; prepare an information summary to inform prospective users of the program.</p>	<p>There have been a number of successful projects in the City of Modesto which utilized LIHTCs. Woodstone Apartments, Ashwood Village, Gateway Apartments, and Sherwood Home were all financed in part by these tax credits, and resulted in a total of 262 units. This financing tool is well known in the industry, and the City promotes its use for affordable housing projects.</p>



**Table 5-2  
Housing Accomplishments since 1992**

<b>Housing Program</b>	<b>Program Action/Objective</b>	<b>Accomplishment/Continued Appropriateness</b>
1b.2	<p><b><u>Handicapped Accessible Housing</u></b></p> <p><b>Program Description – Existing:</b> The City shall continue to comply with the 1988 Fair Housing Access Act, which requires access requirements for disabled and physically handicapped persons for public and multi-family housing.</p>	<p>The City complies with the 1988 Fair Housing Access Act through building inspections, as well as the Disabled Access Assistance Program. Standards from the Fair Housing Access Act were written into the Uniform Building Code, and are enforced by building inspectors. In addition, as part of this Housing Element Update, the City will assess constraints to the provision of housing for persons with disabilities pursuant to SB 520 (effective January 1, 2002).</p>
1b.3	<p><b><u>Single Room Occupancy</u></b></p> <p><b>Program Description – New:</b> The City shall develop an ordinance that will encourage the development of single-room occupancy housing units. These units can serve primarily the lower income tenant, and should be located in close proximity of existing social services, such as within the City's urban transitional zones. Development of this program would include the identification of, and the elimination of, any present development regulations which would preclude construction of single-room occupancy projects.</p>	<p>The City does not have an ordinance specifically endorsing or prohibiting SRO units. There have been no specific development regulations identified as impediments to development of SRO units. The City will encourage the creation of this development type in areas consistent with zoning and general plan designations, specifically in urban transitional areas.</p>
1b.4	<p><b><u>Coordination with Agencies Serving the Homeless</u></b></p> <p><b>Program Description – Existing:</b> The City shall continue to work with agencies such as the County Social Services Department, the Community Housing and Shelter Services (CHSS), United Way, and the Modesto Gospel Mission on developing housing and employment programs for the homeless.</p>	<p>A communitywide housing group, the Stanislaus Housing and Support Services Group, was formed in 2000 to coordinate and discuss ideas for addressing homelessness and related housing issues. In addition, the City continues to provide financing and information for each of the homeless service providers in the County, as well as pursuing programs when appropriate.</p>



**Table 5-2  
Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
1b.5	<p><b><u>State Bond Programs</u></b></p> <p><b>Program Description – New:</b> In general, the City shall seek to secure state bond financed funds, such as Proposition 84 and 107 Bond funds, which provide financing for several affordable housing programs. One such program makes low interest deferred payment loans to public and private developers to develop affordable rental housing. Prop. 107, the “Housing and Homeless Bond Act of 1988”, provides funding for the following: emergency shelters and transitional housing for homeless persons; the development of new rental housing that meets the needs of the elderly and disabled; the purchase and/or rehabilitation of residential hotels; and provides home purchase assistance for first-time homebuyers.</p>	<p>The City has continually applied for all applicable state financing for use in the promotion of affordable housing. This practice will continue in the future. The Parks, Recreation, and Neighborhoods Department monitors funding sources annually to ensure that the City is seeking all available funds. As part of the Housing Element Update, the City will evaluate the potential new state funding sources to generate additional affordable housing.</p>
1b.6	<p><b><u>Transitional Housing Program</u></b></p> <p><b>Program Description – Existing:</b> The City shall continue to work with HUD and the Community Housing Shelter Services in providing transitional shelter (single family residences), and counseling services to homeless families.</p>	<p>Transitional housing is provided primarily by Center for Human Services, which operates the Hutton House, Laura’s House, and Samaritan House. The City continues to support the provision of transitional housing by Community Housing and Shelter Services through the use of CDBG funds.</p>
<b>Policy 1c Work to supply entry level housing as well as “step-up” housing.</b>		
1c.1	<p><b><u>First-time Homebuyer Program</u></b></p> <p><b>Program Description – New:</b> Develop a Citywide program to assist first-time homebuyers of low- and moderate-income with down payment assistance. Work with local groups such as the Association of Realtors, Mortgage Lenders Association, Building Industry Association (BIA), Modesto Chamber of Commerce Affordable Housing Task Force, and others to establish a first-time homebuyers program.</p>	<p>Modesto passed Resolution #95-563 in 1995 creating the Down Payment Assistance Program to serve this need. It is funded annually from CDBG allocation, and provides up to \$25,000 in down payment assistance to first-time homebuyers meeting income restrictions. This program has utilized 100% of its funds in each year of operation and assists approximately 33 households annually.</p>
1c.2	<p><b><u>Mortgage Credit Certificates</u></b></p> <p><b>Program Description – New:</b> Mortgage Credit Certificates allow first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax. Certificates are issued by a local agency (e.g. Housing Authority) and are most applicable for moderate-income households.</p>	<p>The City has partnered with the Housing Authority of County of Stanislaus to provide an unknown number of Mortgage Credit Certificates for the purchase of homes by low and moderate-income residents of Modesto. A total of 216 first-time homebuyers were assisted.</p>



**Table 5-2**  
**Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
1c.3	<p><b><u>New Construction: Moderate and Above Moderate Units</u></b></p> <p><b>Program Description – Existing:</b> Past results revealed that private sector residential construction activity produced an estimated 9,155 new moderate- and above moderate-income housing units between 1984-1989. It is expected that the building activity in these income categories will continue, although not as many as in the previous years.</p>	<p>During the previous housing cycle of 1992-2001, the City of Modesto produced 7,192 housing units, an average of 719 per year. The recession of the mid 1990s drastically reduced the number of units constructed in the City, which has only once (2000) had a production year greater than the 1984-1989 average of 1,526 units per year. The majority of the housing units constructed were single-family homes, affordable primarily to moderate and above-moderate income households.</p>
1c.4	<p><b><u>Single Family Mortgage Revenue Bonds (SFMRB's)</u></b></p> <p><b>Program Description – Existing:</b> Continue to encourage the participation in Single Family Mortgage Revenue Bond programs, when market conditions stimulate developer participation. SFMRB's provide tax-exempt financing to first-time homebuyers.</p>	<p>No Single-Family Mortgage Revenue Bonds have been issued within the City of Modesto for construction of affordable housing during the most recent housing cycle.</p>
<p><b>Policy 1d Promote the development of affordable housing on surplus, underused or vacant public lands, where appropriate and where compatible with existing uses.</b></p>		
1d.1	<p><b><u>Identification of Public Surplus Lands</u></b></p> <p><b>Program Description – New:</b> Establish a program to identify and monitor surplus public lands suitable for residential development. The surplus land could possibly be purchased by the city's Nonprofit Housing Corporation or other housing providers to develop affordable housing. The program will consist of a listing of providers as well as other agencies interested in the development of affordable housing.</p>	<p>The Housing Authority purchased land from the City for Brighton Villas, resulting in 11 housing units. Four private parcels in the airport neighborhood were purchased by the City and made available to a local low-income developer. Monitoring of public and private properties suitable for development continues by the City.</p>
<p><b>GOAL 2: MAXIMIZE HOUSING CHOICE THROUGHOUT THE COMMUNITY</b></p>		
<p><b>Policy 2a Promote equal opportunity for all residents to reside in the housing of their choice.</b></p>		
2a.1	<p><b><u>Manufactured Housing</u></b></p> <p><b>Program Description – Existing:</b> Continue to allow manufactured housing/mobile homes in all residential districts provided that it meets the same standards as conventional housing and is placed on a permanent foundation.</p>	<p>Manufactured Housing is allowed in all residential zoning districts as long as it is placed on permanent foundations, consistent with State Law. This will continue to be a policy of the City. While no totals are available for manufactured housing, 148 permits have been issued for mobile homes between 1992 and 2001.</p>



**Table 5-2  
Housing Accomplishments since 1992**

<b>Housing Program</b>	<b>Program Action/Objective</b>	<b>Accomplishment/Continued Appropriateness</b>
2a.2	<p><b><u>Second Units/Accessory Units</u></b></p> <p><b>Program Description – Existing:</b> Continue to encourage the use of second units in single family residential areas where additional parking for the second unit is provided, and where the second unit neither adversely affects nor alters the character of the surrounding single-family residence.</p>	<p>Second residential units are allowed in all residential zoning districts with a plot plan, consistent with State law. Development of these units is encouraged by City staff. The City will continue to comply with State law requiring that second residential units be allowed in single-family residential districts.</p>
<p><b>Policy 2b Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, religion, ancestry, marital status, family status, income or source of income, race, creed, national origin or disabilities.</b></p>		
2b.1	<p><b><u>Community Housing Resources Board (CHRB)</u></b></p> <p><b>Program Description – Existing:</b> The Federal Department of Housing and Urban Development in conjunction with the Association of Realtors recommends the establishment of a local fair housing education board. This board, appointed by HUD, is comprised of local people in the community interested in fair housing and acts as a referral group.</p>	<p>A HUD appointed Fair Housing Board has not been created in the City. Project Sentinel provides fair housing services and counseling for the community, working to eliminate discrimination based on age, sex, disability, income, and all other protected categories. As part of the City's CSBG and HOME programs, the City offers affirmative marketing of housing choices and works to remove any potential impediments to fair housing choice in the City. In compliance with HUD regulations, the City completed an Analysis of Impediments to Fair Housing Choice in 1996.</p>
2b.2	<p><b><u>Human Relations Commission</u></b></p> <p><b>Program Description – Existing:</b> Support the work of the Human Relations Commission, which acts a conduit for fair housing complaints and referral to enforcement agencies. The Commission acts as the first line of referral, in conjunction with the State Department of Fair Employment and Housing. Informational brochures and copies of complaint forms are available throughout the community. The complaint referral process is publicized through the Modesto Bee, the County Library, local schools, and through local housing advocacy groups. The goal of this Commission is to ensure that fair housing opportunities prevail for all City residents.</p>	<p>The City continues to support the Human Relations Commission in its activities to promote fair housing opportunities. This seven-member advisory group meets bi-monthly to promote good human relations in the community. This agency is a valuable tool in promoting fair housing and providing a central agency for issues of human relations in housing.</p>



**Table 5-2  
Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
<b>Policy 2c</b>	<b>Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.</b>	
2c.1	<p><b><u>Annual Report of General Plan</u></b></p> <p><b>Program Description – New:</b> In accordance with State Law, an annual review of all elements in the General Plan must be reviewed by the City Council. This review must include the progress of the Housing Element in meeting its share of the regional housing needs, along with updates of 1990 Census data, where applicable. In order to fulfill this requirement with regards to the Housing Element, the City will monitor this element yearly to:</p> <ul style="list-style-type: none"> <li>• check on program implementation</li> <li>• update 1990 Census data in sections (such as Overpayment and Income Figures)</li> </ul> <p>After the Annual General Plan Report is reviewed by the City Council, the City will send a copy of this report to the HCD, within 30 days, so that they may review the Housing Element Section. Beyond this review, the City will make any necessary amendments to the General Plan to correct any inconsistencies that are found.</p>	<p>The City Planning Commission has annually assessed the progress and implementation of programs within the General Plan. Staff is in the process of creating the General Plan Annual Report for 2002, which will summarize General Plan programs and information, including the housing element. The findings of this Annual Report will be used in the creation of the 2003 Housing Element Update by City staff, ensuring that the Housing Element maintains consistency with the other elements of the General Plan.</p> <p>The legal requirement to create the Annual Report remains in place, thus the program remains necessary to comply with State Law.</p>
2c.2	<p><b><u>Multi-family Developer Incentive Program</u></b></p> <p><b>Program Description – Existing:</b> The Stanislaus County Housing Authority and nonprofit sponsors of housing for very-low-income households are exempt from Capital Facilities Fees (developer fees). For multi-family projects with density bonuses, a certain percentage of the projects must serve very-low or low-income households. For these projects, developer construction fees are levied by deferring payment of Capital Facility Fees with twenty percent required down and five years to pay. Fee waivers or deferrals pertain to only the city's fees and do not refer to school district fees.</p>	<p>The City regularly defers or exempts low-income housing developments from payment of Capital Facilities Fees. The amount of deferral or exemption is determined on an individual case basis, depending on the number of low-income units provided and the financing situation. Between 1992 and 2001, the City exempted fees for 237 units and deferred fees for 97 more, representing \$804,240 of total incentives to low-income housing developers.</p>



**Table 5-2  
Housing Accomplishments since 1992**

<b>Housing Program</b>	<b>Program Action/Objective</b>	<b>Accomplishment/Continued Appropriateness</b>
2c.3	<p><b><u>Priority Processing for Affordable Housing Projects</u></b></p> <p><b>Program Description – New:</b> Time is a very important factor in the cost of a housing project. It is especially important to the economic feasibility of very-low, and low-income housing, thus, the City will give such projects priority in application processing. This priority will extend to building inspections carried out during various phases of the construction process. This priority program will be reviewed by the City Attorney to ensure the legality of such a program.</p>	<p>The City complies with the State mandated Permit Streamlining Act, which ensures timely processing of planning development applications. Building permit inspections and review have a minimal turnaround time, thus negating the need for prioritization. Staff has found no extensive delays in the processing of affordable housing projects. Existing laws and practices are sufficient to ensure expedient processing of project applications and permits.</p>
2c.4	<p><b><u>Reduction of Parking Standards</u></b></p> <p><b>Program Description – Existing:</b> The City of Modesto allows a reduction in parking standards for senior citizen housing developments. The objective is to match parking standards with need to reduce costs.</p>	<p>The Community Development Department allows a reduction in parking standards for senior housing projects. The amount of reduction is determined on an individual project basis, with cost reduction considered in the determination.</p>
2c.5	<p><b><u>Streamline Application Process</u></b></p> <p><b>Program Description – Existing:</b> Continue efforts to streamline and improve the development-review process, as well as eliminate any unnecessary delays and restrictions in the processing of permits for applications and projects submitted.</p>	<p>The City complies with the provisions of the Permit Streamlining Act, which limits the amount of time the City may spend reviewing a project. The City will continue to look for provisions of the development review process which can be improved, as well as remove unnecessary restrictions or delays that are identified within the system.</p>
<b>Policy 2d Work to promote energy conservation activities in all residential neighborhoods.</b>		
2d.1	<p><b><u>Energy Conservation and Efficiency</u></b></p> <p><b>Program Description – Existing:</b> Continue to encourage development and construction standards that encourage energy conservation in residential buildings. The City of Modesto Housing Program Office, and agencies such as P.G.&amp;E., and the Modesto Irrigation District, provide no cost or low-cost weatherization and other energy efficient programs to low-income residential households. Public service announcements and brochures are provided to reach the widest possible audience.</p>	<p>The City of Modesto supports the provision of no-cost or low-cost weatherization for low-income homes under the EHRP/DAAP programs. In addition, the City provides literature and information on programs for increasing energy efficiency in residential structures. This program continues to be relevant to the housing goals of the City, and helps ensure that the available programs are utilized to the greatest extent possible.</p>



**Table 5-2  
Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
<b>GOAL 3: PROVIDE SAFE AND DECENT HOUSING</b>		
<b>Policy 3a Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.</b>		
3a.1	<p><b><u>California Housing Rehabilitation Program</u></b></p> <p><b>Program Description – Existing:</b> This program offers housing rehabilitation loans as low as three percent to low-income owner/occupants; with a maximum loan amount of \$10,000.</p>	The City offers housing rehabilitation loans up to a maximum of \$10,000 for qualified homeowners as part of the CDBG program. This continues to be a useful tool in improving the quality of existing housing stock within the community.
3a.2	<p><b><u>Distribution of Energy Saving Devices</u></b></p> <p><b>Program Description – Existing:</b> The City will continue to distribute smoke detectors, water heater blankets, and anti-siphon backflow devices for hose bibs, free of charge for rehabilitation clients. Also, to continue the maintenance of safe and decent housing and by contributing to energy savings and safety.</p>	This program continues to be administered by the City to promote energy efficiency and safety in existing homes. As part of the property rehabilitation program, homeowners are informed about potential energy saving devices and programs that are available in the City.
3a.3	<p><b><u>Education of Available Rehabilitation Programs</u></b></p> <p><b>Program Description – Existing:</b> Continue to educate and inform all major ethnic groups and groups representing handicaps in the community of available rehabilitation programs through neighborhood and community organizations, and by using the most effective media.</p>	Numerous community service providers offer information on the City programs, and the City promotes rehabilitation programs through handouts, the City website, and information posted at libraries and City offices.
3a.4	<p><b><u>Housing Condition Survey</u></b></p> <p><b>Program Description – Existing:</b> Continue to maintain a current housing condition survey of all housing units within the City. Also, an updated number of units in need of rehabilitation or replacement should be included.</p>	The City completed a housing survey of the three redevelopment target neighborhoods in 1993. A Citywide housing conditions survey has not been completed yet, although staff is currently seeking options to perform such a survey. This survey, when completed, will help staff better monitor housing conditions in the community, better target rehabilitation and loan programs, and improve housing strategies.



**Table 5-2  
Housing Accomplishments since 1992**

<b>Housing Program</b>	<b>Program Action/Objective</b>	<b>Accomplishment/Continued Appropriateness</b>
3a.5	<p><b><u>Rental Rehabilitation Program</u></b></p> <p><b>Program Description – Existing:</b> The City’s Housing Program Office provides financial assistance to owners of rental property to rehabilitate substandard units, in order to ensure that rental units are affordable to low- and moderate-income families.</p>	<p>The City completed 49 Rental Rehabilitation Loans between 1992 and the end of the program in 1997. The older program was replaced by a Property Enhancement Rebate available to rehabilitate rental properties in the low-income areas of the City. This program serves to spur rehabilitation and improvement of owner-occupied and rental housing within targeted areas. Rebates are available in seven categories, for a maximum total of \$1,350 per rental property.</p>
3a.6	<p><b><u>Water Conservation Program</u></b></p> <p><b>Program Description – New:</b> The City will consider the initiation of a water conservation program. The purpose of this program would be to install and encourage the use of water conservation devices and measures in all houses rehabilitated under the City’s housing rehabilitation programs.</p>	<p>The City has established a Water Conservation Program to promote the sound management of water resources in Modesto. Water conservation devices are included with rehabilitation loans for residential properties. Building inspections by the City ensure that the devices are installed and used properly, further ensuring the success of the program.</p>
<p><b>Policy 3b Focus the use of City resources for housing rehabilitation and assisted housing on those neighborhoods and residents having the greatest need for housing assistance.</b></p>		
3b.1	<p><b><u>Emergency Home Repair Program</u></b></p> <p><b>Program Description – Existing:</b> Low interest loans, to repair immediate critical hazards for Modesto residents with very-low incomes, are available through the City’s Housing Program Office.</p>	<p>The Recreation and Neighborhood Serviced Division operates the Emergency Home Repair Program, eligible to all residential homeowners outside of the target areas. This program offers low-interest loans up to \$25,000 for emergency safety repairs or modifications to make the home handicapped accessible. Since 1992, 105 of these loans have been made.</p>



**Table 5-2  
Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
3b.2	<p><b><u>Handicapped Barrier Removal Program</u></b></p> <p><b>Program Description – Existing:</b> This program provides free technical advice on removing mobility barriers from home or property. Low interest financing is also available to handicapped homeowners living in Modesto, to assist them with removing mobility barriers from their home or property.</p>	<p>The Handicapped Barrier Removal Program (HBRP) was formally discontinued in 1996, not having assisted any households in the City. It was replaced by the Disabled Access Assistance Program (DAAP), which provides low-interest loans for removing barriers to housing accessibility for disabled homeowners. Information on this program, home inspections, and technical advice on modifications are available free from the Modesto Building Department. A total of 15 loans have been made from this program since 1996.</p>
3b.3	<p><b><u>Home Emergency Loan Program (H.E.L.P.)</u></b></p> <p><b>Program Description – Existing:</b> This program is designed to correct substandard housing conditions and eliminate health and safety hazards. How interest loans are available through the City's Housing Program Office for homeowners with incomes that fall into the 50-80% median area income, as determined annually by HUD.</p>	<p>This program completed only one loan for \$37,650 in 1993. The H.E.L.P. program was replaced by the Emergency Home Repair Program (EHRP). It provides for low-interest loans to low-income residents to correct health and safety hazards within the home. This program is well utilized within the City and continues to aid in the provision of safe, affordable housing for all residents of the community. As stated in 3b.1, this program has completed 105 loans since 1992.</p>
3b.4	<p><b><u>Housing Maintenance Program</u></b></p> <p><b>Program Description – Existing:</b> This program is designed to eliminate health and safety hazards within neighborhoods targeted for rehabilitation within the City of Modesto. The City's Housing Program Office provides technical and financial assistance to property owners required to make repairs ordered by the City's Building Inspection Division. This program is mandatory to ensure that an entire neighborhood, not just a few select properties, would undergo revitalization to meet requirements of the City's Housing Code.</p>	<p>The Housing Maintenance Program provides low-interest loans to property owners within the designated target areas for home improvements. The Neighborhood Services Division implements this program, which revitalizes entire project areas at a time. The program calls for revitalization of all homes within target areas, to ensure that property values for the entire neighborhood rise and that each house in the area meets minimum safety and health standards. The program has rehabilitated 353 units since 1992, and more than 2,100 since its inception in 1976.</p>



**Table 5-2**  
**Housing Accomplishments since 1992**

Housing Program	Program Action/Objective	Accomplishment/Continued Appropriateness
Policy 3c	The City of Modesto should make a maximum effort to preserve, for its lower-income households, the units in assisted housing developments that are eligible to change to non-lower-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.	
3c.1	<p><b><u>Coordination with HUD to Monitor At-Risk Projects</u></b></p> <p><b>Program Description – Existing:</b> The City of Modesto will continue to work with HCD, to ensure that any notifications of potential sales of at-risk units are forwarded to the City. Any owners of projects at-risk of conversion must notify HUD of any impending sales or conversion and if they plan to prepay their mortgages and/or if they decide not to renew their Section 8 contracts.</p>	The Parks, Recreation, and Neighborhood Department is the responsible agency for monitoring at-risk housing units within the City. The City will continue to work with HCD and HUD to minimize conversion of affordable housing units to market rate. The City will also work with property owners who have indicated their intention to make such a conversion in an effort to preserve the units as affordable. As part of the Housing Element Update, the City will assess the at-risk status of existing affordable-housing units and develop a program to assess the preservation of such units in the City.
3c.2	<p><b><u>Coordination with Other Agencies to Monitor At-Risk Projects</u></b></p> <p><b>Program Description – Existing:</b> The City of Modesto Housing Program Office will continue to work with the California Housing Partnership Corporation (CHPC). The CHPC provides support to localities and nonprofit housing corporations in addressing a wide range of preservation opportunities.</p>	There has not been a substantial amount of coordination between the Housing Program Office and the CHPC regarding at-risk housing units. In future discussions regarding policies and strategies to deal with conversion issues, including identification of units, the City will seek out the CHPC for inclusion and to make recommendations.
3c.3	<p><b><u>Monitor At-Risk Projects</u></b></p> <p><b>Program Description – Existing:</b> The City of Modesto Housing Program Office shall continue to monitor the at-risk assisted housing projects on an annual basis. The City will keep in touch with the necessary agencies and sources, such as the Housing Authority, the owners of the at-risk units, HCD and HUD. This contact is essential and will help the City to be aware of any situation where assisted units are in danger of converting to non-low-income housing uses. The City will annually monitor the status of the Section 8 renewal contracts and HUD assisted units. The City will also continue to work with the Stanislaus County Housing Authority to develop contingency plans as needed if contracts are not renewed.</p>	The City of Modesto does not have an adopted contingency plan to deal with potential conversions of low-income property to market rate. The City has indicated a desire to work more closely with HCD and HUD to monitor at-risk projects, and to ensure that strategies and techniques used to limit such conversions are current and applicable. As part of the Housing Element Update, the City will assess the at-risk status of existing affordable-housing units and develop a program to assess the preservation of such units in the City.

# HOUSING PLAN



This Housing Plan is a statement of the City's commitment to maintaining, preserving, improving, and developing housing opportunities for all segments of the community. The Plan contains the goals, policies, and objectives, as well as implementing programs, to achieve a high-quality, balanced housing stock that accommodates the needs of existing and

future Modesto residents. Pursuant to State law, the Housing Plan must achieve the following:

- Identify adequate sites that will be made available through appropriate zoning and development standards and with public services and facilities needed to meet the needs of all income levels.
- Assist in the development of adequate housing to meet the needs of low-and moderate-income households.
- Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.
- Conserve and improve the condition of existing affordable housing stock.
- Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

The goals, policies, and programs in this Housing Plan are directed to address the following areas:

1. Matching Housing Supply with Need
2. Maximize Housing Choice throughout the Community
3. Provide Safe and Decent Housing
4. Ensure Land Use and Zoning Procedures Accommodating to Housing
5. Reduce Governmental Constraints
6. Ensure Adequate Services to Housing
7. Promote Jobs-Housing Balance

The goals, policies, and programs in this Housing Plan are built upon the 1992 Housing Element and modified to reflect the current and projected needs, existing and potential constraints and opportunities, and effectiveness and relevancy of existing programs.



## **A. HOUSING GOALS AND POLICIES**

### **Goal 1: Match Housing Supply with Need**

- Policy 1.1: Establish and/or support programs to supply below market housing for very-low, low- and moderate-income households, as well as market-rate housing.
- Policy 1.2: Promote the development of affordable housing throughout the community, where appropriate and compatible with existing uses.
- Policy 1.3: Facilitate the development of entry-level housing as well as “step-up” housing.
- Policy 1.4: Facilitate the development of housing for the unmet needs of lower income special needs groups, including the disabled, elderly, homeless and large families (families with five or more persons).

### **Goal 2: Maximize Housing Choice throughout the Community**

- Policy 2.1: Promote equal opportunity for all residents to reside in the housing of their choice.
- Policy 2.2: Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, religion, ancestry, marital status, family status, income or source of income, race, creed, national origin, sexual orientation, or disabilities.
- Policy 2.3: Encourage a range of housing types to be constructed in subdivisions and large developments.
- Policy 2.4: Facilitate the development of second units as an affordable housing alternative.
- Policy 2.5: Encourage the development and rehabilitation of housing that is accessible to persons with disabilities.



### **Goal 3: Provide Safe and Decent Housing**

- Policy 3.1: Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.
- Policy 3.2: Focus the use of City resources for housing rehabilitation and assisted housing on those neighborhoods and residents having the greatest need for housing assistance.
- Policy 3.3: Make a maximum effort to preserve, for its lower-income households, the units in assisted housing developments that are eligible to change to non-lower-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.
- Policy 3.4: Assist non-profit housing providers in the acquisition and/or rehabilitation of older residential structures, and maintenance as long-term affordable housing.
- Policy 3.5: Promote energy conservation activities in all residential neighborhoods.

### **Goal 4: Ensure Land Use and Zoning Procedures are Accommodating to Housing**

- Policy 4.1: Track changes in Housing Law to ensure that land use regulations, including zoning, subdivision regulations, and permit processes, are consistent with and supportive of State and federal laws.
- Policy 4.2: Review local regulations periodically for the ability to accommodate projected housing demands.
- Policy 4.3: Maintain an up-to-date site inventory detailing the amount, type, and size of vacant and underused parcels, and assist developers in identifying land suitable for residential development.
- Policy 4.4: Maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons, large households, farmworkers, the homeless, and transitional persons.



## **Goal 5: Reduce Governmental Constraints**

- Policy 5.1: Establish and maintain development standards that support housing production while protecting quality of life goals.
- Policy 5.2: Continue to provide financial incentives such as fee deferrals and exemptions for developments meeting the affordable and special housing needs of the community.
- Policy 5.3: Continue to provide for timely and coordinated processing of residential development projects to encourage housing production within Modesto.
- Policy 5.4: Review the City's fee structure, including development fees, impact fees, and other municipal costs, periodically to ensure that they do not unduly constrain the production of housing, especially affordable housing.

## **Goal 6: Ensure Adequate Services to Housing**

- Policy 6.1: Promote coordination between infrastructure master plans, service area boundaries, and housing plans to ensure that adequate services be available to serve expected housing growth.
- Policy 6.2: Direct housing to areas where infrastructure and utilities can be provided commensurate with housing production.
- Policy 6.3: Promote infill development as a method of ensuring maximum utilization of existing urban services.
- Policy 6.4: Support policies and programs that will help achieve compliance with Federal and State regulations relating to stormwater pollution prevention.

## **Goal 7: Promote Jobs-Housing Balance**

- Policy 7.1: Encourage the development of workforce housing.
- Policy 7.2: Promote economic development efforts that create employment opportunities for City residents.
- Policy 7.3: Work with Stanislaus County and neighboring jurisdictions to improve the jobs-housing balance in the region.



## **B. IMPLEMENTING PROGRAMS**

Each housing goal is expressed through specific policy statements and implemented with a range of housing programs. A housing program often implements more than one policy and sometimes, more than one goal. For example, the Inclusionary Housing Program (Program 1.3) promotes the development of affordable housing throughout the City (Policy 1.2), offers housing options for persons seeking entry-level and step-up housing (Policy 1.3), and makes available housing affordable to the workforce (Policy 7.1). The programs are categorized by the primary goal for which the programs are intended.

### **Goal 1: Match Housing Supply with Need**

#### **Program 1.1: Community Housing Coalition**

The City will consider the establishment of a local community housing coalition that may include realtors, developers of market rate and affordable housing (both for-profit and non-profit), lenders (for mortgage and construction financing), business leaders, environmentalists, and social service providers.

This coalition could meet on semi-annual basis to discuss and exchange information on successful housing programs that can be implemented either citywide or in specific neighborhoods, strategies to promote the development of a range of housing types that serve the local needs and consistent with the goals and policies of the Modesto Housing Element, and funding resources for affordable housing and neighborhood improvements.

#### **Five-Year Objectives and Time Frame:**

- Establish coalition in 2004 and coordinate semi-annual meetings thereafter

#### **Responsible Agencies:**

- Community and Economic Development Department; Parks, Recreation, and Neighborhoods Department, Stanislaus County Planning Department; Stanislaus County Housing Authority; STANCO; Modesto Association of Realtors; Building Industry Association; developers; lenders; and interested community groups and organizations

#### **Funding Sources:**

- CDBG and private resources

#### **Program 1.2: Affordable Housing Resources**

The City, in coordination with Stanislaus County, affordable housing developers, and others, will continue to pursue affordable housing resources at the national, State, and local levels. With staffing constraints and the competitive nature of most funding programs, the City will focus on pursuing those determined to be most cost-efficient, given the possibility of successful funding applications. The City of Modesto is designated as Participating



Jurisdiction by the United States Department of Housing and Urban Development (HUD). As a result, the City receives an annual grant allocation directly from the HOME Investment Partnership Act as administered by HUD. The City is also designated as an Entitlement Jurisdiction by HUD and receives an annual allocation from HUD Community Development Block Grant (CDBG) program as well as an allocation from the Emergency Shelter Grant (ESG) program. Together, the City has annually received over 3.7 million dollars through these HUD grant programs. The City also receives program income from HUD funded loans that are repaid back to the City. The Modesto Redevelopment Agency annually receives tax increment revenue, of which 20 percent is programmed for housing opportunities for very, low, and moderate-income households. The following is a list of potential programs:

- Low-Income Housing Tax Credits
- State Proposition 46 Housing Funds
- State Downtown Rebound Program
- State Jobs-Housing Balance Grants
- Single-Family Mortgage Revenue Bonds
- Multi-Family Mortgage Revenue Bonds

**Five-Year Objectives and Time Frame:**

- HUD requires the City of Modesto to prepare a five-year plan, also known as the Consolidated Plan, to discuss the manner in which CDBG, HOME and ESG funds will be applied in the community during the five-year period. The City also prepares an annual action plan and an annual performance report on the expenditure of these funds. Separate community development and housing program objectives are included in the Consolidated Plan.
- The Modesto Redevelopment Agency is also required to prepare a five-year plan known as the Redevelopment Implementation Plan. This five-year plan contains objectives on the use of the Redevelopment Agency's 20 percent set-aside funds for furthering housing opportunities in the community. Mid-term during the five-year plan (no later than the end of the third year), the City is required to review the objectives in the Implementation and re-align objectives and planned expenditures, if necessary.
- Monitoring funding cycles annually.

**Responsible Agencies:**

- Community and Economic Development Department; Parks, Recreation, Neighborhoods; Redevelopment Agency; and affordable housing developers. (The Parks, Recreation and Neighborhoods Department makes the federal grant funds available through a variety of methods such as Requests For Proposals, grant applications, and through agreements for exclusive negotiations.)

**Funding Sources:**

- Redevelopment housing set-aside funds, HOME, CDBG as matching grants if necessary



### **Program 1.3: Inclusionary Housing Program**

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The City will conduct a feasibility study to establish an inclusionary housing program with an in-lieu fee option. This program will require a fixed percentage of all units in new developments to be affordable to lower income households. Potential parameters for the program include:

- A citywide inclusionary program with a minimum requirement of 10 percent of the units being affordable to lower income households
- Policy is applied to all new housing developments (both single-family and multi-family) of more than 10 units
- An in-lieu fee option is available when on-site provision of inclusionary units is deemed not feasible
- Units remain affordable for the longest time feasible either through deed-restrictions (rental units) or resale provisions (ownership units)
- Inclusionary units to primarily benefit existing Modesto residents and persons who work in the City

If an inclusionary housing program is determined to be infeasible, the City may also consider adopting an affordable housing fee to be imposed on new housing development.

#### **Five-Year Objectives and Time Frame:**

- Research the feasibility of adopting either an inclusionary housing program or an affordable housing fee program in 2004, with the potential adoption of an ordinance in 2005

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division); City Attorney's Office; Planning Commission; and City Council

#### **Funding Sources:**

- General Fund

### **Program 1.4: Citywide Housing Trust Fund**

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The City will be considering the adoption of an inclusionary housing policy with an in-lieu fee option or an affordable housing fee program after first conducting a nexus study to determine if it is legally possible to establish such a fee. If either approach is adopted, the City will seek to re-establish a Citywide Housing Trust Fund for the provision, preservation, and improvement of housing affordable to lower and moderate income households using the fees collected. Expenditure and monitoring of the Housing Trust Fund, as well as other housing funds, will be performed by one department, ensuring improved coordination and cost efficiency. Other funding sources with consistent requirements may be combined in the Housing Trust Fund.



**Five-Year Objectives and Time Frame:**

- Staff to study the feasibility of a citywide program by the end of 2004
- Prepare ordinance (if determined to be feasible) and begin implementation by the end of 2005

**Responsible Agencies:**

- Community and Economic Development Department; Parks, Recreation, Neighborhoods; Redevelopment Agency; Planning Commission; and City Council

**Funding Sources:**

- Redevelopment housing set-aside funds, HOME, CDBG
- Inclusionary housing in-lieu fee (potential)
- Other funding sources as they become available

**Program 1.5: Consolidated Plan**

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The City is an entitlement jurisdiction eligible to receive Community Planning and Development (CPD) funds from HUD. Annually, the City receives approximately \$7.5 million in CDBG, HOME, and ESG funds from HUD. Uses of these funds must:

- Create decent and safe living environment
- Benefit people with lower incomes (up to 80 percent of County Median Income)
- Aid in the prevention or elimination of blight
- Provide economic opportunities
- Address an urgent need (such as earthquake or flood)

To receive these funds, the City must develop a Consolidated Plan that outlines the City's strategy for addressing housing and community development needs. The Consolidated Plan must be consistent with the policies and programs of the Housing Element. The Consolidated Plan strategy must be updated at least once every five years, and annually an Action Plan is required to describe the City's planned use of HUD funds.

**Five-Year Objectives and Time Frame:**

- Prepare Action Plan annually
- Prepare new Consolidated Plan for FY 2005/06 through FY 2009/10 due at HUD on May 15, 2005

**Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department

**Funding Sources:**

- CDBG, HOME, and ESG funds



### **Program 1.6: Nonprofit Housing Development Corporations**

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The City will support non-profit corporations in their efforts to make housing more affordable to lower and moderate income households. Specifically, the City will work with City-designated Community Housing Development Corporations (CHDOs) to promote, assist, and/or sponsor housing developments in Modesto for lower income households.

#### **Five-Year Objectives and Time Frame:**

- Ongoing

#### **Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department; and Community and Economic Development Department

#### **Funding Sources:**

- CDBG, HOME, and redevelopment housing set-aside funds

### **Program 1.7: Density Bonus**

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State density bonus law requires that a jurisdiction grant a 25 percent density bonus and at least one regulatory concession or incentive if a developer provides one of the following: 1) 20 percent of the units affordable to lower income households; 2) 10 percent of the units affordable to very low income households; 3) 50 percent of the units for seniors; or 4) 20 percent of the condominium units affordable to moderate income households. The units must remain affordable for a minimum of 10 years if no financial assistance or regulatory concession/incentive is provided. For projects that receive financial assistance and/or regulatory concessions/incentives, the units must remain affordable for 30 years.

The current density bonus provisions contained in the Modesto Zoning Ordinance grants a density bonus to a senior housing project only if 50 percent of the units are affordable to very low income seniors. This provision is considered more stringent than the State density bonus law and will need to be modified to comply with State law. In addition, the Modesto Zoning Ordinance will need to be modified to incorporate the recent changes in State law (AB 1866) regarding density bonus for moderate income condominium units.

#### **Five-Year Objectives and Time Frame:**

- Revise City density bonus provisions to comply with State law by the end of 2004
- Ongoing promotion of the density bonus program to developers with the objective of achieving 250 density bonus units between 2003 and 2008 (or an average of 50 units per year)

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division); Planning Commission; City Council; and Stanislaus County Housing Authority (for contract monitoring)



### **Funding Sources:**

- General Fund and applicants for contract monitoring costs

### **Program 1.8: Land Banking and Land Trust**

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The City will continue its land banking efforts for the development of lower and moderate income housing. The City/Redevelopment Agency, working with nonprofit organizations such as CHDOs, will purchase land suitable for affordable housing in the near future. Land banking will ensure preservation of areas in the City for future affordable housing by removing these areas from the private development market and allowing the City to work with nonprofit organizations to develop affordable projects that serve the specific needs of the community, such as the need for entry-level and step-up housing.

The City will also explore other mechanisms such as a land trust to facilitate the development of affordable housing. Land trusts are an increasingly popular mechanism used by communities where high land costs make the provision of affordable housing difficult. Typically, a nonprofit organization forms a trust that holds the title of the land on which affordable housing is developed. When the housing is developed, the individual homebuyers purchase only the improvements (the housing units) on the land, but do not hold the title to the land, thereby making the purchase prices affordable to lower and moderate income households.

### **Five-Year Objectives and Time Frame:**

- Ongoing land banking efforts
- Explore the use of land trust for affordable housing in 2004

### **Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department; Community and Economic Development Department; Redevelopment Agency; and local nonprofits (e.g. STANCO and Habitat for Humanity)

### **Funding Sources:**

- CDBG, HOME, and redevelopment housing set-aside funds

### **Program 1.9: Homebuyer Assistance**

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The City offers a range of homebuyer assistance programs to promote homeownership among lower and moderate income households. Three homebuyer assistance programs are available:

- Down Payment Assistance Program: The City provides down payment assistance of up to \$25,000 to lower income households (up to 80 percent of County Median Income) using CDBG funds. Homebuyers must provide minimum initial investment of 1.5 percent of the sales price. The loan accrues at an annual fixed rate of 3 percent

and is secured by a promissory note and Deed of Trust recorded after the primary mortgage.

- Lease-to-Own Program: The City partners with Pacific Housing and Financing Agency (PHFA) to promote a lease-to-own program. Under this program, the income-qualified participant (up to 140 percent of County Median Income) selects a home, which PHFA will buy and finance a 3 percent down payment and pay all closing costs. The participant will pay a 1 percent participation fee and make lease payments for 39 months. After 39 months, the participant assumes title to the house with a competitive interest rate loan for the remainder of the mortgage (26 years and 9 months). If the participant is unable to assume the title for the home for any reason, the lease can be terminated without penalty.
- Mortgage Credit Certificates: The City participates in the County Mortgage Credit Certificates (MCC) program. The MCC program is administered by the Stanislaus County Housing Authority and allows lower and moderate income first-time homebuyers (up to 100 percent of County Median Income) to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against federal income tax.

#### **Five-Year Objectives and Time Frame:**

- Assist 18 lower and moderate income households annually through the City's various homebuyer assistance programs (Down Payment Assistance: 10 households; Lease-to-Own: 3 households; MCC: 5 households), with an objective of assisting 90 households over 5 years
- Assist annually in the dissemination of information on available homebuyer assistance programs through brochures available in the City's central and field offices, City website, referrals, attendance at homebuyer fair, presentations to lenders and realtors, ads in local newspapers (e.g. Modesto Bee, El Sol 2000) and in the City monthly utility insert bulletin
- Annually review the down payment assistance amount and loan term to assess if adjustments are necessary to reflect local housing market conditions and affordability of housing relative to household incomes (such as lower interest rate or higher down payment assistance)

#### **Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department; Redevelopment Agency, PHFA; and Stanislaus County Housing Authority

#### **Funding Sources:**

- Down Payment Assistance Program – CDBG
- Lease-to-Own Program – PHFA mortgage revenue bonds
- Mortgage Credit Certificates – Allocation from CDLAC



### **Program 1.10: Rental Assistance**

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The Section 8 Rental Assistance Program for very low income households is administered by the Stanislaus County Housing Authority. As of 2002, approximately 4,000 households receive rental assistance under the Section 8 Rental Assistance program. Under this program, the participants typically pay no more than 30 percent of their household income on rent (affordable housing cost threshold). The Housing Authority pays the rental property owners the difference between the payment standards established by the Authority and the affordable housing cost threshold.

#### **Five-Year Objectives and Time Frame:**

- Ongoing support for the Housing Authority to petition for increased Section 8 allocation
- Ongoing assistance in promoting the program to eligible households through City website, brochures, newsletters, and referrals

#### **Responsible Agencies:**

- Stanislaus County Housing Authority; and Parks, Recreation, and Neighborhoods Department

#### **Funding Sources:**

- HUD Section 8 allocations, Housing Authority administrative funds, and City CDBG funds (for program promotion)

### **Program 1.11: Relocation Assistance**

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When housing units are removed (permanently or temporarily) due to actions of the redevelopment activities, the Redevelopment Agency (Community and Economic Development Department) must provide relocation assistance to those affected. If relocation is necessary, the Agency must adhere to the Agency's relocation guidelines to minimize impacts on residents and provide adequate and reasonable relocation assistance. When housing units are being rehabilitated under the City's Housing Maintenance Program, or when households are displaced because of City housing code enforcement efforts, the City offers temporary relocation assistance to displaced households.

#### **Five-Year Objectives and Time Frame:**

Assist annually in the dissemination of information on available relocation assistance programs through brochures available in the City's central and field offices, City websites, referrals, attendance at homebuyer fairs, presentations to lenders and realtors, ads in local newspapers (e.g. Modesto Bee, El Sol 2000) and in quarterly in the City's monthly utility insert bulletin

#### **Responsible Agencies:**

- Parks, Recreation, and Neighborhood Department; Community and Economic Development Department



### **Funding Sources:**

- CDBG, HOME, and Redevelopment housing set-aside funds

### **Program 1.12: Continuum of Care Serving the Homeless**

Modesto joined forces with other jurisdictions in the County to address homeless issues in the County through a continuum of care approach. The continuum of care system involves seven components: 1) outreach; 2) intake and assessment; 3) supportive services; 4) emergency shelter; 5) transitional housing; 6) permanent housing with supportive services; and 7) permanent housing.

The Stanislaus Housing and Supportive Services Collaborative, a regional collaborative, was formed to update and further the goals of the Continuum of Care Plan. This collaborative is comprised of local government representatives, nonprofit service providers, advocates for the homeless, neighborhood representatives, and business groups. The following strategies have been identified by the collaborative as key elements to deliver an integrated and coordinated system of services:

- Deliver preventive and support services
- Promote outreach and education on available services
- Integrate health and social services
- Expand on existing collaborative efforts and develop additional supportive housing
- Provide vocational and employment-readiness training
- Address the diverse needs of homeless persons and families
- Establish a local board that will ensure implementation of the Continuum of Care
- Consider the needs of the homeless on a regional and inter-agency basis

In adherence with the Continuum of Care model, the City continues to address the needs of homeless persons and families by funding local nonprofit agencies that provide direct services to the homeless, including emergency shelters, transitional housing facilities and programs, and supportive services. Specifically, the City has leased repossessed houses from HUD for transitional housing services and has provided funding to nonprofit organizations to purchase houses that would be used for transitional housing.

### **Five-Year Objectives and Time Frame:**

- Ongoing support of the Continuum of Care Plan and participation in the Collaborative
- Annually allocate funding resources to support agencies that serve the homeless
- Seek to increase the transitional housing inventory by five units over the next five years

### **Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department; and Collaborative partners

### **Funding Sources:**

- CDBG and ESG funds



## **Goal 2: Maximize Housing Choice throughout the Community**

### **Program 2.1: Manufactured Housing**

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Pursuant to State law, the City will continue to permit manufactured housing/mobile homes in all residential districts, provided that they meet the same standards as conventional housing and are placed on a permanent foundation.

#### **Five-Year Objectives and Time Frame:**

- Continue to provide information on permitting requirements for manufactured housing/mobile homes with the objective of achieving 10 units per year for a total of 50 units over five years

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division)

#### **Funding Sources:**

- None required

### **Program 2.2: Second Units/Accessory Units**

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The Zoning Ordinance allows the development of a second living unit in all residential districts. Currently, approval of a second unit is granted either by the Planning Commission or Zoning Administrator, depending on the zoning district in which it is proposed. Recent changes to State law (AB 1866) require that second units be allowed by a ministerial permit rather than a discretionary permit.

#### **Five-Year Objectives and Time Frame:**

- Review the City's second unit provisions in 2003 to ensure development standards facilitate and encourage the development of such units without compromising neighborhood integrity
- Revise the Zoning Ordinance by the end of 2003 to allow second units by a ministerial permit provided the units meet City standards
- Create marketing strategy (cable television announcements, website, newsletter, brochure at public counters) in 2004 to actively promote the development of second units, with the objective of achieving 15 units per year for a total of 75 units over 5 years

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division)

#### **Funding Sources:**

- None required



### **Program 2.3: Handicapped Accessible Housing**

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The City complies with the 1988 Fair Housing Access Act through building inspections, as well as the Disabled Access Assistance Program (Program 3.1). Standards from the Fair Housing Access Act have been incorporated into the Uniform Building Code and are enforced by the building inspectors.

#### **Five-Year Objectives and Time Frame:**

- Ongoing compliance with Fair Housing Access Act through enforcement of the Uniform Building Code
- Ongoing assistance in promoting awareness of accessibility requirements through City website and brochures

#### **Responsible Agencies:**

- Community and Economic Development Department (Building and Development Services Division); Stanislaus County Housing Authority; and providers of multi-family housing

#### **Funding Sources:**

- General Fund and private resources

### **Program 2.4: Single Room Occupancy**

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Single Room Occupancy (SRO) units serve primarily the lower income tenant and should be located in proximity to existing social services. While the demand for such housing is low, the City will continue to permit Single-Room Occupancy projects through the Planned Development Zone process.

#### **Five-Year Objectives and Time Frame:**

- Ongoing

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division)

#### **Funding Sources:**

- General Fund



### **Program 2.5: Fair Housing Services**

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The City actively furthers fair housing in the community. Specifically, the City continues to support the Human Relations Commission in their activities to promote fair housing. The Human Relations Commission is a seven-member advisory group that meets bi-monthly to promote good human relations in the community and is staffed by the City Manager's Office.

The City contracts with Project Sentinel to provide fair housing services and counseling for the community, working to eliminate housing discrimination and remove impediments to equal housing opportunities. The City also coordinates seminars on tenant rights and responsibilities and to address illegal activities in rental housing.

#### **Five-Year Objectives and Time Frame:**

- Ongoing provision of fair housing services
- Periodically report to the Human Relations Commission on fair housing issues
- Update the Analysis of Impediments to Fair Housing Choice by 2004
- Assist annually in the dissemination of information on fair housing rights and violation remedies through brochures available in the City's central and field offices, City websites, referrals, attendance at homebuyer fairs, presentations to lenders and realtors, ads in local newspapers (e.g. Modesto Bee, El Sol 2000) and in occasionally in the City's monthly utility bulletin insert

#### **Responsible Agencies:**

- Human Relations Commission; City Manager's Office; Parks, Recreation, and Neighborhoods Department; and Project Sentinel

#### **Funding Sources:**

- CDBG and General funds

## **Goal 3: Provide Safe and Decent Housing**

### **Program 3.1: Housing Rehabilitation and Improvement**

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The City offers a range of housing rehabilitation and improvement assistance to lower income households (up to 80 percent of County MFI). These include:

- **Property Enhancement Program:** The City provides financial assistance, in the form of rebates, to enable property owners to improve the exterior appearance of their properties. Eligible homes must be located within the city limits and within one of the City's low-income census tracts. Types of eligible improvements include: property clean up, painting of the exterior of the housing unit, fence/gate repair, front and side yard landscaping, security/safety and energy savings improvements, as well as exterior property enhancements.
- **Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP):** The City provides low-interest, deferred payment loans for the repair of

immediate critical hazards for Modesto households with low and very-low incomes. The program is only available to owner-occupants. In addition, the City offers free technical assistance on removing mobility barriers from home or property. Low-interest financing is also available to handicapped homeowners living in Modesto to assist them with removing mobility barriers from their home or property.

- **Housing Maintenance Program:** The City provides financial and technical assistance to eliminate health and safety hazards to homes within the City's Target Areas: Airport Neighborhood; Highway Village Neighborhood; and Maple, Oak and Pine – 400 Block.
- **Tool Bank Rental Program:** The City offers a property maintenance tool rental program in the City's current Target Areas: Airport Neighborhood; Highway Village Neighborhood; and Maple, Oak and Pine – 400 Block, and previous target areas. Eligible tools include lawn mowers, weed eaters, lawn edgers, tillers, sewer snakes and carpet cleaners. Rental of the tools is free of charge during the allowable time period.

**Five-Year Objectives and Time Frame:**

- Assist 53 households annually through the various programs (Property Enhancement: 5 households; EHRP/DAAP: 12 households; Housing Maintenance: 36 households), with an objective of assisting 265 households over 5 years
- Continue to promote the availability of the various housing rehabilitation and improvement programs through neighborhood and community organizations, and by using the most effective media, including brochures, newsletter, City website, and referrals

**Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department

**Funding Sources:**

- CDBG

**Program 3.2: Preservation of Units at Risk**

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Several publicly assisted housing projects, totaling 735 units affordable to lower income households, may be at risk of converting non-low-income uses due to termination of rental assistance contracts and/or expiration of deed restrictions. To the extent feasible, the City will work to preserve the affordability of these units in partnership with property owners and/or other interested housing providers.

**Five-Year Objectives and Time Frame:**

- Monitor the at-risk status of projects annually and contact project owners to discuss preservation options and incentives
- Send a list of potentially at-risk housing projects to nonprofit developers to solicit participation in the City's efforts to preserve the units

- Work with the Stanislaus County Housing Authority to provide technical assistance to tenants regarding the availability of Section 8 vouchers in case units are converted to market rate housing
- Work with project owners and nonprofit housing providers to pursue preservation of the at-risk units, with the goal of meeting AB 438 provisions for using existing units to fulfill a portion of the City's RHNA for lower income households

**Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department; Stanislaus County Housing Authority; HUD

**Funding Sources:**

- HOME, Section 8 Rental Assistance, redevelopment housing set-aside funds, citywide Housing Trust Fund (if adopted), among others

**Program 3.3: Energy Conservation and Efficiency**

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The City will continue to encourage development and construction standards that encourage energy conservation in residential buildings. The City provides no-cost or low-cost weatherization to low-income households through the Disabled Access Assistance Program and Emergency Housing Repair Program (Program 3.1). Energy efficiency improvements are automatically included and required in all housing rehabilitation projects. In addition, the City provides literature and information on programs for increasing energy efficiency in residential structures.

**Five-Year Objectives and Time Frame:**

- Ongoing distribution of program materials through brochures and City website
- Assist 10 households annually through the Disabled Access Assistance Program and Emergency Housing Repair Program with the objective of assisting 50 households over 5 years

**Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department

**Funding Sources:**

- CDBG funds

**Program 3.4: Distribution of Energy Savings Devices**

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The City will continue to distribute smoke detectors, water heater blankets, and anti-siphon backflow devices for hose bibs free of charge to rehabilitation clients (see Program 3.1).

**Five-Year Objectives and Time Frame:**

- Continue to offer energy savings devices to rehabilitation clients (number of households to be assisted is included in the various housing rehabilitation programs)



**Responsible Agencies:**

- Parks, Recreation, and Neighborhoods Department

**Funding Sources:**

- CDBG

**Goal 4: Ensure Land Use and Zoning Procedures are Accommodating to Housing**

**Program 4.1: Residential Sites Inventory**

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As part of this Housing Element update, the City has reviewed in detail its residential land inventory for vacant and underutilized sites available for housing development within the time frame of this Element. The City identified a surplus in sites for the development of housing for all income groups. To meet the State mandate of accommodating the RHNA and to maintain consistency with the City’s goal of focusing growth within the Baseline Development Area and the Planned Urbanizing Area, the City is committed to maintaining this sites inventory by facilitating the development of the Roselle/Claribel, Fairview Village, Johansen/Empire North and Waterman/Luchessa areas and designating at least 15% of the residentially designated areas be developed with multi-family development at an average density of 22 units per acre.

The local housing market has made it difficult for very low and low-income households to purchase a single-family detached home. As a result, very low and low-income households are planned to be served by multi-family units. The City estimates a surplus of 2 to 9 acres of multi-family designated sites during the period of this Housing Element.

**Five-Year Objectives and Time Frame:**

- Adopt specific plans for the following Comprehensive Planning District areas by the following dates:

<u>Specific Plan Area/Name</u>	<u>Anticipated Specific Plan Adoption</u>
Roselle/Claribel SP	December 31, 2006
Fairview Village SP	December 31, 2006
Kiernan/Carver (Waterman/Luchessa)	December 31, 2006
Johansen/North Empire	June 30, 2007

- If the above specific plans are not adopted, then the City will take the following actions, if necessary to maintain a sufficient sites inventory to meet the City’s Regional Housing Needs Allocation.
  - Rezoning, as appropriate, existing R-2 multi-family sites for R-3 multi-family housing to fill any gap for lower income households not accommodated by the specific plans listed above commensurate with anticipated plan adoption timelines. Rezones will be initiated no later than 6-12 months after anticipated specific plan adoption dates.



- Rezone, as appropriate, existing vacant and/or underutilized commercial and industrial properties within the City limits for R-3 multi-family housing development
- Continue to assess the appropriateness of public surplus lands to be used for residential development
- Pursue voter approval for additional areas for annexation
- Continue to pursue opportunities to preserve at-risk rental housing and to convert existing non-affordable rental housing to long-term housing affordable to lower income households in accordance with the provisions of AB 438
- Identify and evaluate appropriate sites for upzoning and rezoning in 2004 and complete upzoning/rezoning process in 2005, if necessary to maintain a sufficient sites inventory to meet the City's Regional Housing Needs Allocation.
- Identify additional areas for annexation in 2005 and pursue Measure M approval in 2006
- Update residential sites inventory annually
- To provide for adequate multi-family housing sites, all new residentially designated areas in developing Comprehensive Planning Districts will be designated and developed with a minimum 15 percent of residential area as multi-family. The City is committed to maintaining this sites inventory by facilitating the development of the Roselle/Claribel, Fairview Village, Johansen/Empire North and Waterman/Luchessa areas.

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division); Planning Commission; and City Council

#### **Funding Sources:**

- General Fund

### **Program 4.2: Zoning Code Amendments**

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As part of this Housing Element update, the City has identified several revisions to the Zoning Code necessary to meet recent changes to State laws and to further facilitate the development of affordable housing and housing for persons with special needs. These include:

- Revision to the density bonus provisions to eliminate the low income requirement for senior projects and condominium projects to receive density bonus in compliance with state law (Program 1.7)
- Revision to specifically identify in which zones transitional housing is permitted through a Conditional Use Permit subject to approval by the Board of Zoning Adjustment.
- Revision to reflect recent changes in State law regarding second units (Program 2.2)
- Revision to eliminate pyramid zoning system that permits single-family housing to be constructed in multi-family zones
- Revision to establish a formal procedure for persons with disabilities seeking reasonable accommodation (see Program 4.3)

**Five-Year Objectives and Time Frame:**

- Within one year of the adoption of the 2003-2008 Modesto Housing Element, amend the Zoning Code to address density bonus, transitional housing, second unit, and pyramid zoning issues
- Annually review zoning ordinance, subdivision regulations, and development policies and procedures for consistency with State and Federal laws
- Within one year of the adoption of the 2003 –2008 Modesto Housing Element, amend the Zoning Code to establish a minimum development density for the R-2 and R-3 residential zones and to disallow lower densities in the R-2 and R-3 zones

**Responsible Agencies:**

- Community and Economic Development Department (Planning Division); City Attorney's Office; Planning Commission; and City Council

**Funding Sources:**

- General Fund



### **Program 4.3: Reasonable Accommodation**

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As part of the City's 1998 Analysis of Impediments to Fair Housing Choice, the City's Zoning Ordinance and building codes were reviewed for impediments to housing for persons with disabilities. As a result of the study, the Zoning Ordinance was amended to expand the definition of family to accommodate group home development and other licensed community care facilities.

As part of this Housing Element update, the Housing Element update Project Manager interviewed the Chief Building Official in the Building Inspection Division and the Principal Planner of Current Planning Section of the Planning Division to assess if City application and development procedures and codes constrain the development of housing for persons with disabilities. In their review of the City's land use zoning policies, adopted building codes, development standards, and permitting procedures, these sources did not identify any potential constraints for the development of housing for the disabled. To the contrary, the City's Planned Development zoning designation provides for the development of residential projects at relaxed development standards. The City expects that housing development projects for the disabled would be approved with relaxed development standards.

In addition, the City has five advisory committees established to help address the various needs of the disabled. These include: Citizens Housing and Community Development Committee; Disabled Access Appeals Board; Equal Opportunity/Disability Commission; Human Relations Commission; and Housing Rehabilitation Loan Committee. The City does not charge any fees associated with access to these committees and does not assess fees for review or approval of accommodation requests. The one potential constraint is the lack of a specific procedure for processing reasonable accommodation requests.

The City will establish a formal reasonable accommodation process to provide individuals with disabilities, reasonable accommodations in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this effort is to provide a clear and consistent process for individuals with disabilities to make requests for reasonable accommodation in order to obtain relief from the various land use, zoning, building laws, rules, policies, practices and/or procedures of the City.

The reasonable accommodations process would specify that following ADA requirements, fair housing laws, as well as definitions of disabilities, the City will take steps to establish procedures for granting reasonable accommodations. This may include revisions to the zoning ordinance which would specify who qualifies for reasonable accommodation, how to apply for reasonable accommodation, what types of reasonable accommodations can be made, provided health and safety codes are not violated, and the procedures for approval (as discretionary approval by the Zoning Administrator or Community & Economic Development Director). The types of reasonable accommodation may include relaxing development standards in order to accommodate a disabled person's application for permits relating to modifications of his/her home for accessibility purposes. Reasonable accommodation may also include fee waiver or reduction for disabled persons.



**Five-year Objectives and Time Frame:**

- Establish a formal reasonable accommodation process by July 2005 to incorporate procedures for requesting reasonable accommodation

**Responsible Agencies:**

- Community and Economic Development Department; Modesto Independent Living Center

**Funding Sources:**

- City General Fund

## **Goal 5: Reduce Governmental Constraints**

### **Program 5.1: Multi-Family Developer Incentive Program**

The Stanislaus County Housing Authority and nonprofit sponsors of housing for very-low-income households are exempt from the City's Capital Facilities Fees (developer fees). For multi-family projects with density bonuses, 20 percent of the project units must serve low income households or 10 percent of the units must serve very low income households. For these projects, developer construction fees are levied by deferring payment of Capital Facility Fees with 20 percent required down and five years to pay.

**Five-Year Objectives and Time Frame:**

- Assist multi-family density bonus project developers with fee deferrals of Capital Facilities Fees, for projects serving very-low and low-income households with an objective of assisting 30 units per year or 150 units over 5 year

**Responsible Agencies:**

- Community and Economic Development Department (Planning Division); and City Council

**Funding Sources:**

- General Fund

### **Program 5.2: Streamlined Application Review and Permit Processing**

The City complies with the State-mandated Permit Streamlining Act, which ensures timely processing of planning development applications. The City building permit inspections and review have a minimal turnaround time, and no processing procedures result in extensive delays for affordable housing.

The City Council has available to it the ability to declare a "shelter crisis" eliminating the requirement for a use permit for the establishment of an emergency shelter for any period of time so designated. By adopting such a declaration, the City may also suspend certain development standards and building code requirements that were non-safety in nature. In



January of 2004, the City Council declared a “Shelter Crisis” under California Government Code Section 8698 (d) and a temporary emergency shelter was immediately established at 320 Ninth Street. This emergency shelter facility was remodeled and furnished over a four-week period with City coordination and much community participation. The Salvation Army elected to operate the shelter during the emergency period. The shelter accommodates 50 adults.

**Five-Year Objectives and Time Frame:**

- Continue the City’s periodical reviews of the application review and permit processing procedures and time frame to ensure continued compliance with the Permit Streamlining Act

**Responsible Agencies:**

- Community and Economic Development Department

**Funding Sources:**

- General Fund

**Program 5.3: Reduction of Parking Standards**

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In general, parking requirements in the City do not serve as a constraint to housing development. However, the City allows a reduction in parking standards for senior housing developments. The objective is to match parking standards with need to reduce costs. As the City begins to promote mixed-use developments along the commercial corridors, flexible parking standards may be adopted for mixed use projects and projects that involve small-size units.

**Five-Year Objectives and Time Frame:**

- Continue to offer reduced parking requirements for senior housing developments
- Review parking requirements in 2005 for mixed-use projects to offer flexibility in meeting parking needs (such as shared parking with commercial uses, off-site parking, reduced parking due to potential reduced trips)
- Consider reducing the parking requirements in 2005 for projects that include small-size units (such as studios, lofts, and one-bedroom units)

**Responsible Agencies:**

- Community and Economic Development Department (Planning Division)

**Funding Sources:**

- General Fund



### **Program 5.4: Annual Report of General Plan**

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In accordance with State law, an annual review of the City's progress in implementing the General Plan must be conducted by the City Council. This review should include the progress of the Housing Element in meeting its share of the regional housing needs. The City will make any necessary adjustments to the General Plan elements (including the Housing Element) to ensure consistency among the elements, to promote effective policy and program implementation, and to reflect changed conditions and regulations. As part of the annual review, the City will evaluate its progress in meeting its share of the Regional Housing Needs Allocation (RHNA). If components of the RHNA are not met, the City will evaluate the reasons for this occurrence and respond in conformance with implementation programs as set forth in the Housing Element

#### **Five-Year Objectives and Time Frame:**

- Conduct annual reviews of the General Plan implementation

#### **Responsible Agencies:**

- Community and Economic Development Department (Planning Division)

#### **Funding Sources:**

- General Fund

### **Program 5.5: Administrative Coordination**

---

Currently, several departments in the City are responsible to the delivery of various housing programs. For example, the CDBG- and HOME-funded housing programs are administrated by the Parks, Recreation, and Neighborhoods Department. Uses of the redevelopment housing set-aside funds are overseen by the Community and Economic Development Department. The coordination of program delivery and uses of funds among departments requires increased efforts and sometimes results in duplicated efforts. Particularly, if a Housing Trust Fund is created to consolidate various housing funding sources (Program 1.3), the City may consider assigning the responsibility of overseeing the Trust Fund to one department.

#### **Five-Year Objectives and Time Frame:**

- Consider reassignment/consolidation of housing program responsibilities in 2004

#### **Responsible Agencies:**

- Community and Economic Development Department; Parks, Recreation, and Neighborhoods Department; City Council

#### **Funding Sources:**

- None required



## **Goal 6: Ensure Adequate Services to Housing**

### **Program 6.1: Urban Growth Policy Update**

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The Modesto General Plan calls for the City to maintain a five-year supply of vacant and agricultural land served with urban infrastructure and available for development. In addition, the General Plan provides that new development should occur next to existing development. This avoids situations in which the City might become responsible for extending urban services (for example, sewer lines) through open areas to new development.

The purpose of the Urban Growth Policy Update is to identify land that would be available for development, and would be sufficient to provide a five-year supply. There are two parts to this process: one is the preparation of an inventory of available land for various uses (residential, commercial, business park), and the second is an analysis of market conditions expected over the next five years.

Three areas of the City are identified in the Urban Area General Plan. One is the Redevelopment Area, located in the downtown area of the City. The second is the Baseline Developed Area, which is generally that portion of the City that is already developed. The third area is the Planned Urbanizing Area. This portion of the community extends beyond the City limits to the City's "Sphere of Influence." The Sphere of Influence is the area in which the City would likely extend urban services at some point in the future.

Preparation of a Sewer Master Plan is expected to commence in 2003. This plan will analyze sewer infrastructure improvements needed to provide sewer service to both growth areas and existing areas. The analysis will evaluate sewer trunk extensions, relief sewers, wastewater treatment, disposal capacity, costs of improvements and funding sources for system upgrades. Once this information is available, the City will be in a position to evaluate how much and where the City can grow.

#### **Five-Year Objectives and Time Frame:**

- Conduct an Urban Area Growth review every two years to direct and manage growth, ensuring adequate urban services for new developments
- Commence the preparation of Sewer Master Plan in 2003

#### **Responsible Agencies:**

- Community and Economic Development Department; and Engineering and Transportation Department

#### **Funding Sources:**

- None required



## **Program 6.2: Encourage Infill Development**

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In an effort to maximize efficiency of existing infrastructure, the City will establish a program to provide regulatory, financial, or other incentives to promote infill development to meet projected housing needs.

According to Section 15331 of the California CEQA Guidelines, Infill development projects are those projects that meet the following characteristics:

- a) The development project is consistent with the general plan designation and the zoning.
- b) The project is located within the City limits on a site of no more than five acres, substantially surrounded by urban uses.
- c) The project has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The City will solicit input from local developers and interested parties to determine the greatest obstacles to infill development, and develop strategies accordingly to address these obstacles. The creation of marketing materials by the City to promote infill development may be a part of this program. Marketing materials may include development fee waivers for the development of affordable housing, the availability of CDBG grants to assist with public infrastructure improvements to affordable housing projects, the availability of vacant residential sites inventory report, listing site locations, acreages, ownership, zoning and entitlement requirements.

In addition to the resources listed above, the City indirectly lowers the development costs by streamlining the development application process for infill-development through a number of activities that include:

- pre-application meetings with applicants
- consolidation of development applications
- expedited review
- streamlined environmental assessment through the use the infill exemptions where appropriate and the use of a Master Environmental Impact Report.
- Lesser requirements and costs for the entitlement process (for example, no specific plan or financing master plan is required).

Infill development incentives include the advantage of existing infrastructure, straight zoning that allows development to go directly to filing a building permit, deferred dedication and improvements where appropriate and relaxed standards through the availability of the planned development zone.

Residential development proposals that agree to provide affordability covenants may receive fee deferrals or waivers based on household income criteria applied to the residential development.



**Five-Year Objectives and Time Frame:**

- Ongoing, with incentives in place by 2005

**Responsible Agencies:**

- Community and Economic Development Department (Planning Division)

**Funding Sources:**

- General Fund, CDBG, HOME, redevelopment housing set-aside funds

## **Goal 7: Promote Jobs-Housing Balance**

### **Program 7.1: Coordination of Housing and Economic Development Efforts**

In recent years, housing growth in Modesto has been largely absorbed by San Francisco Bay Area workers who seek affordable housing eastward. A jobs-housing imbalance exists, jeopardizing the quality of life offered by Modesto, creating impacts on the City's infrastructure systems, air quality, and economic well-being of the community. To attempt balancing housing growth and economic development, the City offers several mechanisms:

- Urban Growth Policy Update (Program 6.1): to ensure a balanced inventory of land uses is available for the upcoming five years
- Redevelopment: to revitalize residential neighborhoods and commercial/industrial areas with blighted conditions
- Revolving Loans: to assist businesses in making necessary improvements and expansion efforts for economic/employment development purposes
- Revenue Bonds: to provide for the construction and rehabilitation of major infrastructure and facilities necessary to support economic development efforts
- Enterprise Designation Area: to offer fee rebates or exemptions to attract new businesses, retain existing businesses, and encourage expansion efforts
- 

**Five-Year Objectives and Time Frame:**

- Ongoing economic development efforts

**Responsible Agencies:**

- Community and Economic Development Department (Business Development Office)

**Funding Sources:**

- Redevelopment tax increment, revenue bonds, General Funds, among others

### **Program 7.2: Affordable Workforce Housing**

Many people who work in the City cannot afford to live in the City. Through economic development efforts (Program 7.1), the City will work with businesses to create and expand higher-pay jobs in the City. The City will also coordinate with the business community to address the housing needs of workers.



The City may also consider a mechanism whereby housing created in the City demonstrates an improved match between the wages offered by jobs available in the City and a range of housing options is provided. In conjunction with the Inclusionary Housing Program (if adopted), the City can develop incentives in the Inclusionary Housing Program for developers to offer a range of housing options. The City may also establish a preference points system for allocating the affordable housing units created based on place of current residency and employment.

**Five-Year Objectives and Time Frame:**

- Consider mechanisms in conjunction with the adoption of the Inclusionary Housing Program (if pursued)

**Responsible Agencies:**

- Community and Economic Development Department; Parks, Recreation, and Neighborhoods Department; Planning Commission; and City Council

**Funding Sources:**

- None required



## **C. QUANTIFIED OBJECTIVES**

### **Sites to be Provided**

Potentially, the City of Modesto has a regional housing needs allocation of 15,347 units for the period of January 1, 2001 through June 30, 2008. With 3,227 units already built, the City needs to provide adequate sites for the construction of 12,120 units.

### **New Units Anticipated**

Between January 2001 and December 2002, 3,227 units were constructed in the City. Based on a historic trend (over the past 20 years), the City has an average construction rate of 1,200 units annually. Given the significant infrastructure constraints, particularly in terms of water and sewer services, the City does not anticipate an accelerated construction rate that would significantly exceed historic trends. Therefore, between 2003 and 2008, the City anticipates a total construction objective of 6,000 units. Combined with the 3,227 units already constructed, the City's construction objective for the 7.5-year period is 9,227 units.

### **Units to be Rehabilitated**

The City administers a number of residential rehabilitation programs. Based on past experience, funding availability, and staff constraints, the City anticipates assisting 265 households with various levels of housing rehabilitation assistance.

### **Units to be Conserved**

A number of publicly assisted housing developments in the City, totaling 735 units, may be at risk of converting to non-low-income uses. The City has established an objective to help conserve this affordable housing stock.

### **Households to be Assisted**

Through homebuyer assistance programs, density bonuses, and fee deferrals, the City plans to extend affordable housing opportunities to 340 households.



**Table 6-1  
Summary of Five-Year Quantified Housing Objectives**

	Very Low	Low	Moderate	Above Moderate	Total
Housing Sites to be Provided (RHNA minus units built since 2001)					
RHNA	3,326	2,603	2,544	3,647	12,939
Total New Units Anticipated (5 yrs)	1,320	1,070	1,260	2,400	6,000
Mobile/Manufactured Homes	25	25			50
Second Units	30	45			75
Total New Units Anticipated (7.5 yrs) (including units built since 2001)	1,370	1,076	1,939	4,892	9,227
Housing Units to be Rehabilitated					
Housing Rehabilitation	130	135			265
Housing Units to be Conserved					
Preservation of At-risk Housing	735				735
Households to be Assisted					
Homebuyers Assistance		25	65		90
Density Bonus	100	100	50		250
<i>Fee Deferrals</i>	75	75			150

Note: The income distribution of the housing objectives is estimated based on program requirements and typical market conditions.

**City of Modesto  
Housing Element (2003-2008)  
Appendices**

**Maps**

- Map A-1 City of Modesto Vacant and Underdeveloped Commercial and Professional Office Zoned Properties within the Incorporated Area.
- Map-A-2 City of Modesto Potential Emergency Shelter Sites based on Underdeveloped and Vacant Industrial Zoned Properties within the Incorporated Area.
- Map A-3 City of Modesto Vacant and Underdeveloped Residential Zoned Properties within the Incorporated Area.
- Map A-4 City of Modesto General Plan Areas.
- Map A-5 City of Modesto Residential Specific Plan Areas
- Map A-6 City of Modesto Residential CPD's and Areas with a Positive Measure A/M Vote
- Map A-7 City of Modesto Sewer Trunk and Water Transmission Lines





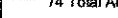

**Tables**

- Table A-1 Summary Table of Residential Sites Inventory within the Modesto City Limits
- Table A-2 Measure M Area Development Assumptions Table

Map A-1  
**City of Modesto**

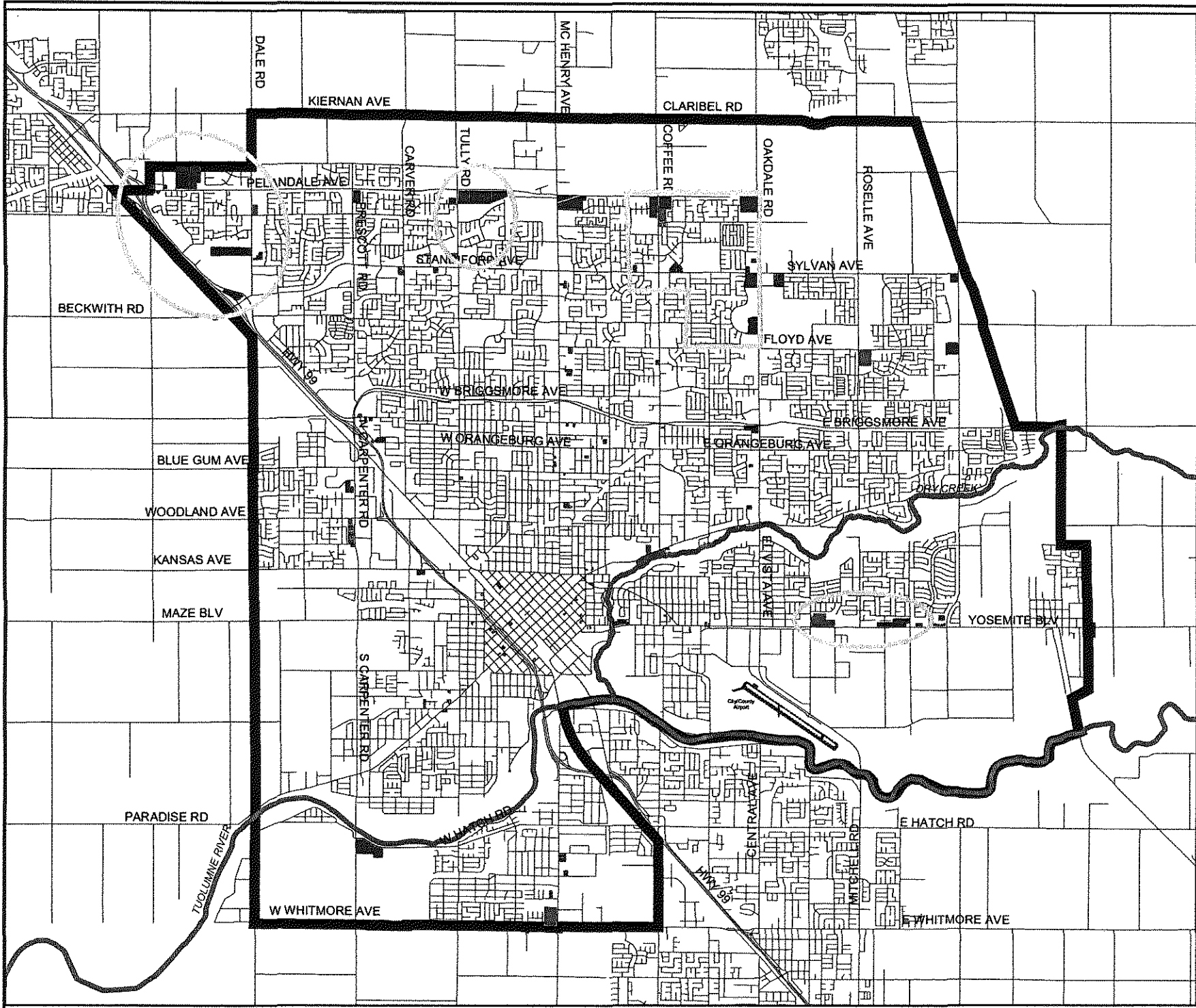
Vacant and Underdeveloped Commercial and Professional Office Zoned Properties within the Incorporated Area

**LEGEND**

-  Sphere of Influence
-  City of Modesto
- Commercial Sites**
-  Vacant - 240 Total Acres
-  Underdeveloped - 74 Total Acres
-  Professional Office Sites - 20.9 Total Acres
-  Commercial Sites that could potentially Accommodate Housing





October 9, 2003





# Map A-2 City of Modesto

Potential Emergency Shelter Sites based on Underdeveloped and Vacant - Industrial Zoned Properties within the Incorporated Area

### Legend

-  Sphere of Influence
-  City of Modesto

### Industrial Sites

-  Underdeveloped- 196 Total Acres
-  Vacant - 147 Total Acres



October 13, 2003

0 1 Miles




Map A-3  
**City of Modesto**  
 Vacant and Underdeveloped-Residential Zoned Properties within the Incorporated Area

**LEGEND**

- Comprehensive Planning District (C.P.D.)
- Modesto Sphere of Influence
- Modesto Incorporated Property

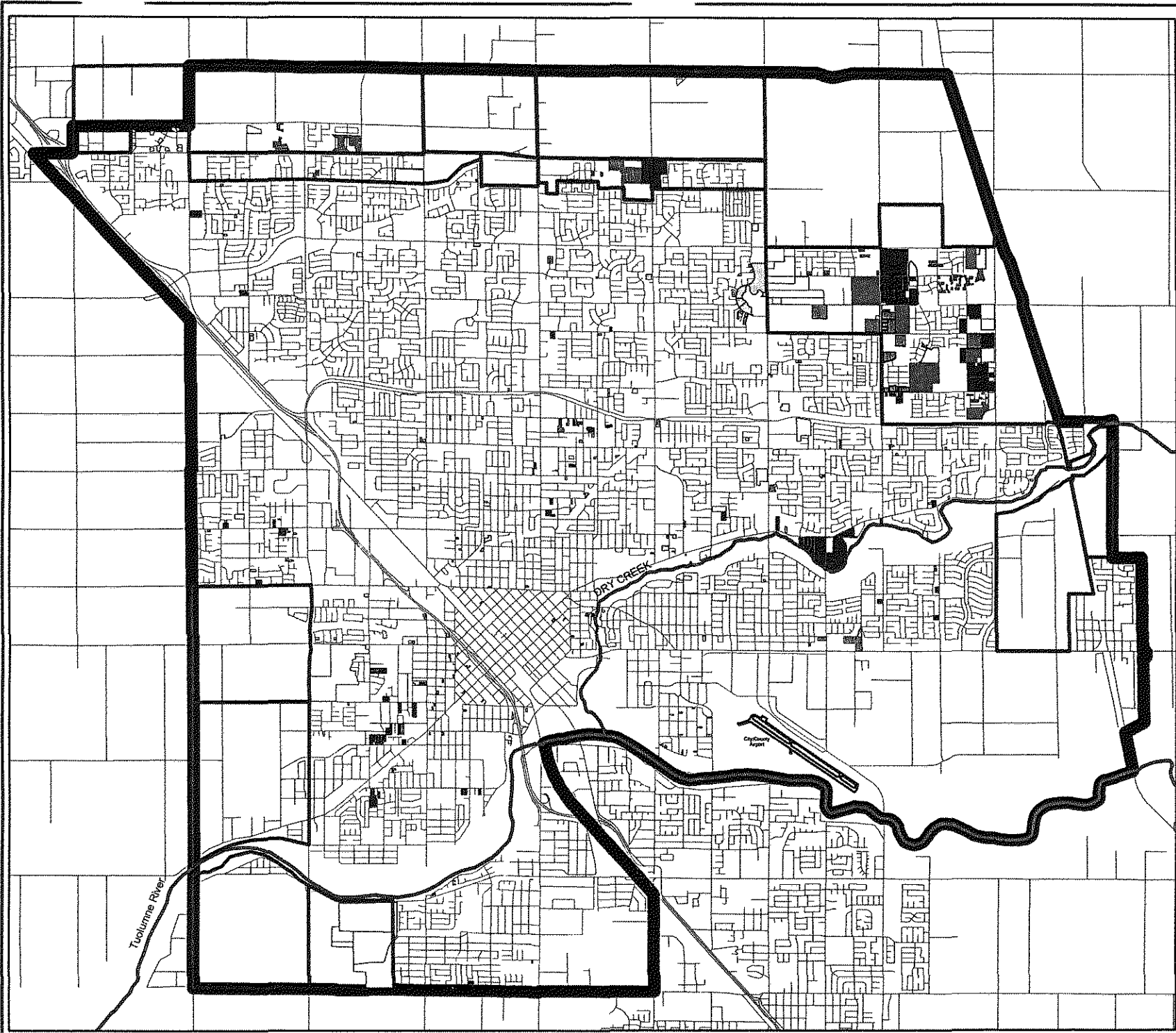
**Single Family**

- Vacant Land (621.1 ac)
- Tentative Maps (135 ac)
- Finaled (178.9 ac)
- Underdeveloped (251.3 ac)

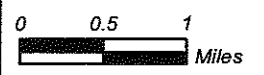
**Multi-Family**

- Medium Density R-2 (45.1 ac)
- High Density R-3 (77.4 ac)
- CPD Mixed Use (15.8ac) 60% res.
- Underdeveloped R-2 & R-3 (13.3 ac)

Total Vacant and Underdeveloped Residential Zoned Land - 1,372.4 acres














December 31, 2002

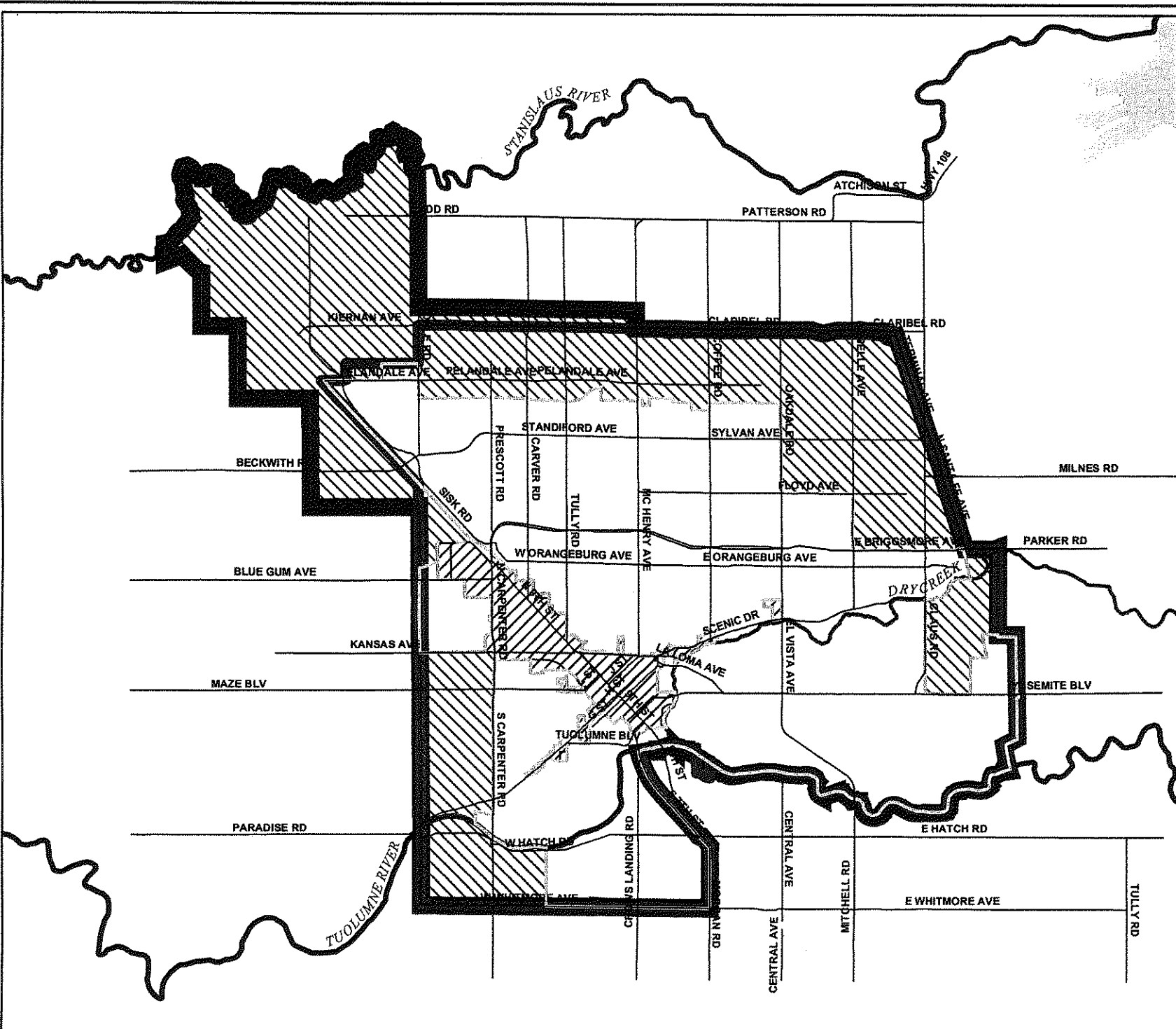


# City of Modesto

## General Plan Areas

**Legend**

-  Redevelopment Area
-  Planned Urbanizing Area
-  Baseline Developed Area
-  General Plan Boundary
-  Sphere of Influence
-  Modesto
-  Ceres
-  County
-  Hughson
-  Oakdale
-  Riverbank



Source: 1995 Modesto Urban Area General Plan

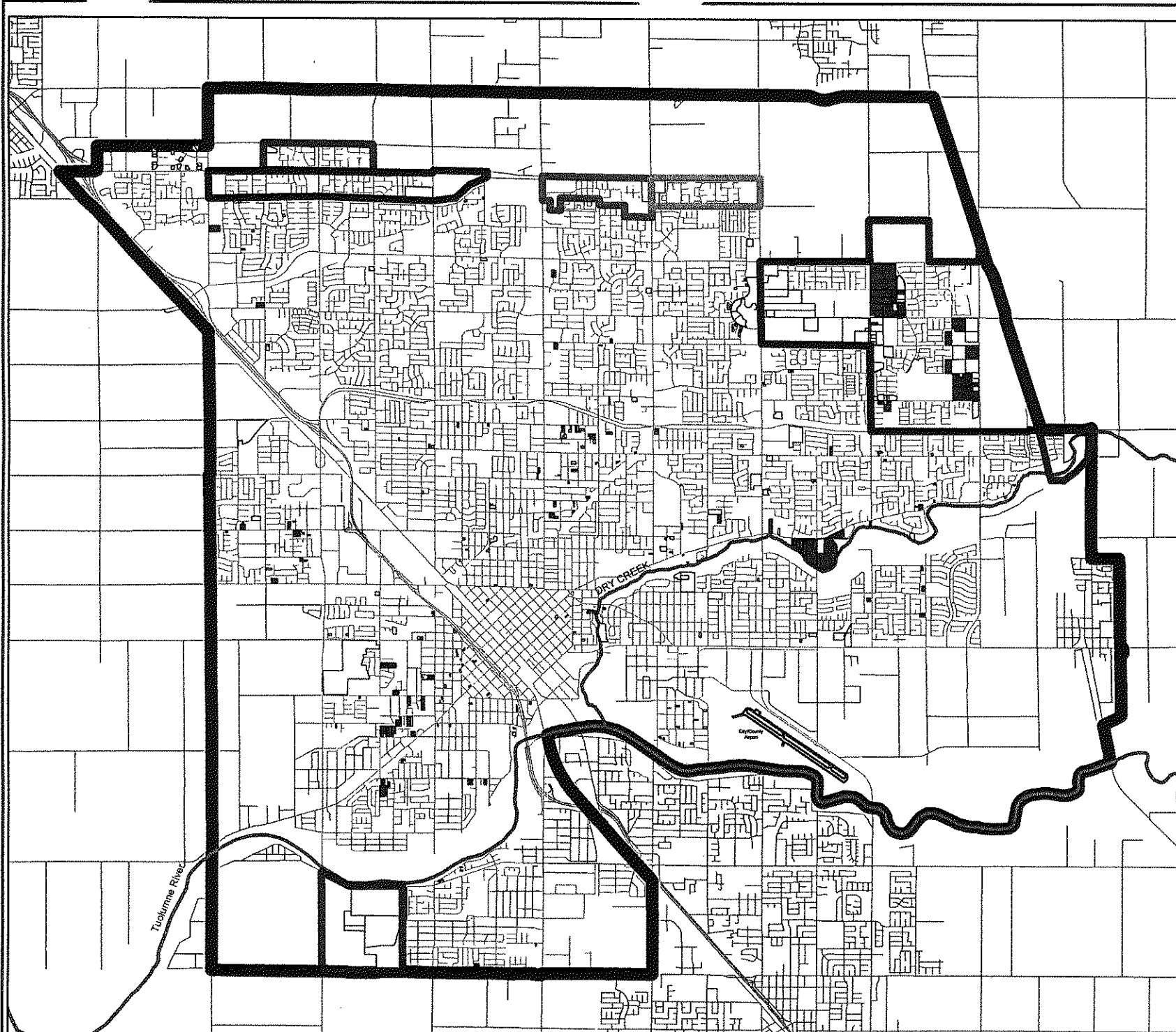


October 9, 2003



Map A-5  
**City of Modesto**

Residential  
 Specific Plan  
 Areas



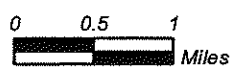
**LEGEND**

- Modesto Sphere of Influence
- Modesto Incorporated Property
- Residential Properties\***
  - Vacant Land
  - Underdeveloped
- Specific Plan Areas**
  - Coffee/Claratina
  - Empire North Unit 1
  - Fairview Village
  - Carver-Bangs
  - North Beyer
  - Pelandale-Snyder
  - Village One

\* As of 12/31/2002






December 23, 2003




# City of Modesto

## Residential CPDs and Areas with a Positive Measure A/M Vote

### LEGEND

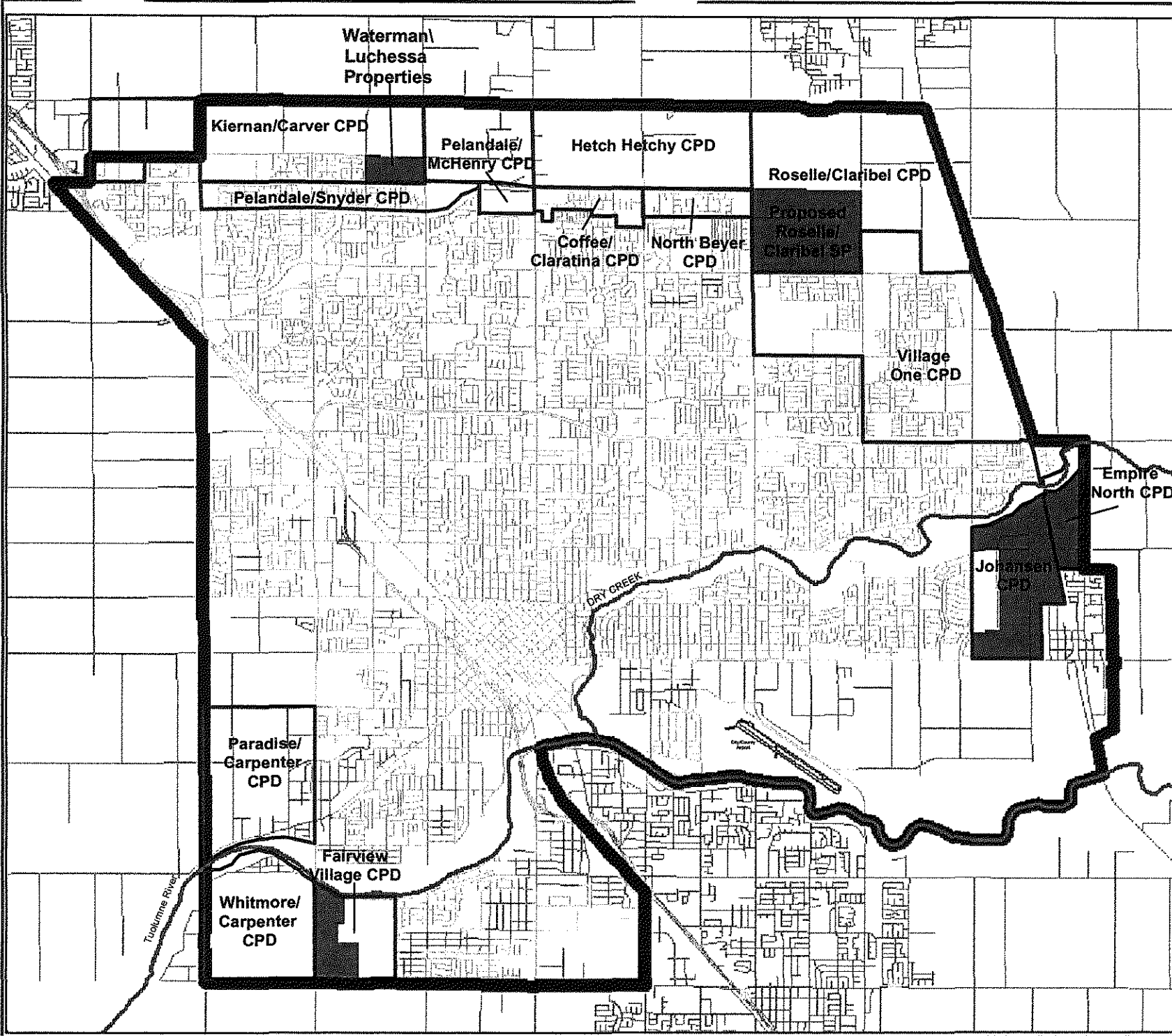
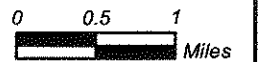
-  Comprehensive Planning District (C.P.D.)
-  Modesto Sphere of influence
-  Modesto Incorporated Property

**Areas Subjected to a Citizen's Advisory Vote**

-  CPD Areas with a Positive Measure A/M Vote









January 8, 2004



# City of Modesto

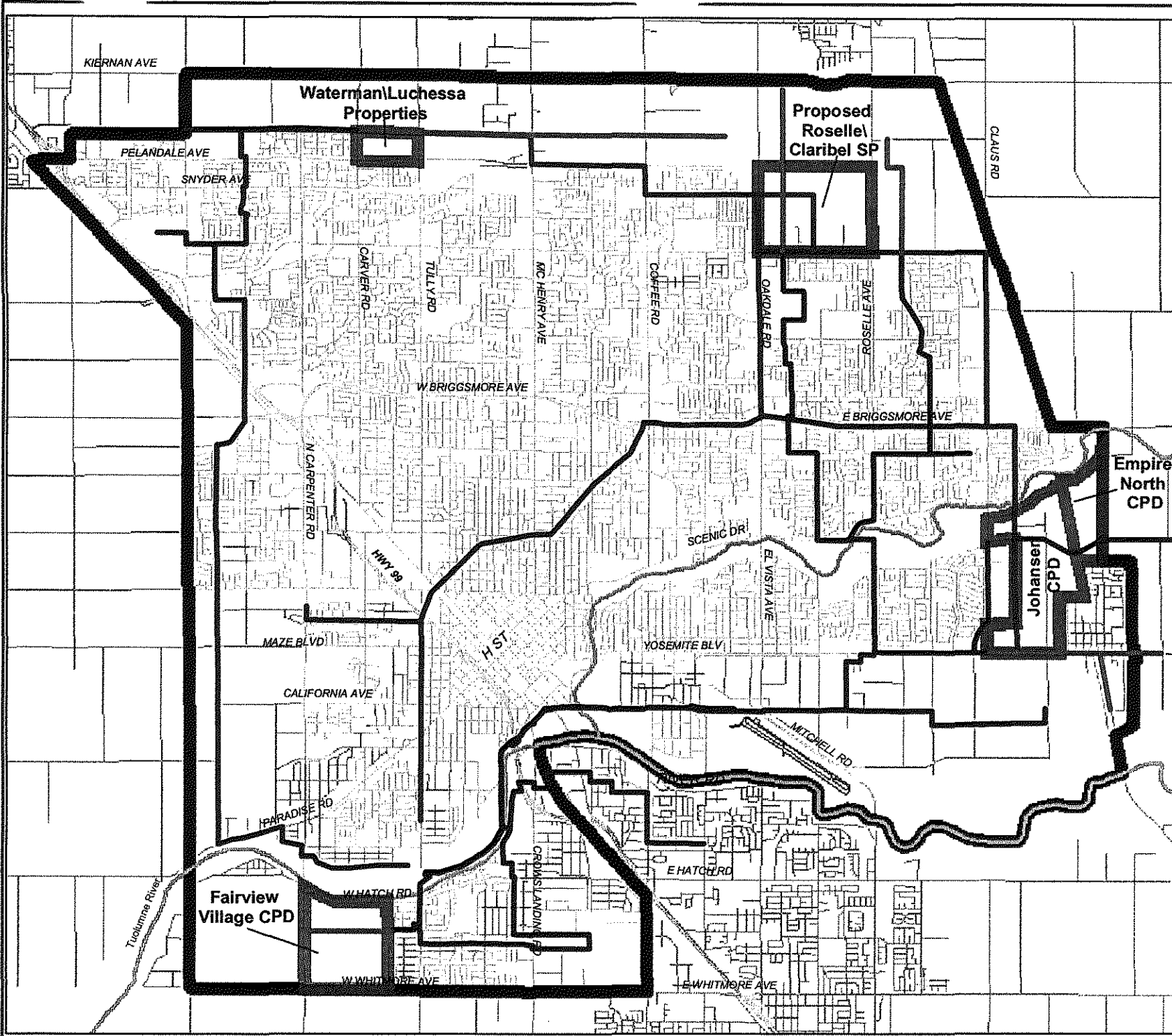
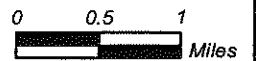
## Sewer Trunk and Water Transmission Lines

### LEGEND

-  Modesto Sphere of Influence
-  Modesto Incorporated Property
-  Existing Sewer Trunk Lines
-  Proposed Sewer Trunk Lines
-  Water Transmission Lines
- Areas Subjected to a Citizen's Advisory Vote**
-  CPD Areas with a Positive Measure AM Vote



January 26, 2004



**Summary Table of Sites  
Inventory within the Modesto  
City Limits**

(as of December 31, 2002)

Table A-1

**Single Family Sites**

Residential Zoning District	No. of Parcels	Acreage	Density units/acre	Projected Housing Units
R-1 (vacant)	195	621.1	5.1	3,168
R-1 (tentative maps)	7	136.0	5.1	694
R-1 (final maps)	307	179.6	5.1	916
R-1 vacant subtotal	509	936.7		4,777
R-1 (underdeveloped)	73	251.3	4	1,005
R-1 Underdeveloped subtotal	73	251.3		1,005
<b>Single Family Total</b>	<b>582</b>	<b>1,188</b>		<b>5,783</b>

**Multi-family Sites**

Residential Zoning District	No. of Parcels	Acreage	Density units/acre	Projected Housing Units
Village One Specific Plan (vacant multi-family)	18	59.6	24	1,431
R-2 (vacant)	43	45.1	14	631
R-3 (vacant)	30	17.8	22	392
Vacant multi-family subtotal	91	122.5		2,454
R-2 (underdeveloped)	7	7.9	13	103
R-3 (underdeveloped)	4	5.4	20	108
M/F underdeveloped subtotal	11	13.3		211
Mixed use (vacant)	3	15.8	22	348
Mixed-use subtotal	3	15.8	22	348
<b>Multi-family Total</b>	<b>105</b>	<b>152</b>		<b>3,013</b>

APN	Acres	Zone	Location (BDA: Baseline Developed Area)	Type	Located in Riparian Zone?	Located in the Flood Zone?	Located in the Flood Plain?	Located in Hazardous Materials Site?
032-01-03	0.28	P-O	BDA	Residential	No	No	No	No
	0.28	<b>P-O Total</b>						
101-04-41	0.31	R-1	BDA	Residential	No	No	No	No
102-15-28	0.24	R-1	BDA	Residential	No	No	No	No
102-15-10	0.32	R-1	BDA	Residential	No	No	No	No
102-13-04	0.12	R-1	BDA	Residential	Yes	No	No	No
102-13-07	0.48	R-1	BDA	Residential	Yes	No	No	No
105-34-07	0.16	R-1	BDA	Residential	No	No	No	No
107-04-04	0.24	R-1	BDA	Residential	No	No	No	No
109-04-20	0.13	R-1	BDA	Residential	No	No	No	No
112-07-55	0.18	R-1	BDA	Residential	No	No	No	No
112-07-56	0.13	R-1	BDA	Residential	No	No	No	No
112-01-44	0.20	R-1	BDA	Residential	No	No	No	No
112-06-07	0.18	R-1	BDA	Residential	No	No	No	No
112-07-48	0.09	R-1	BDA	Residential	No	No	No	No
112-07-45	0.09	R-1	BDA	Residential	No	No	No	No
112-07-44	0.10	R-1	BDA	Residential	No	No	No	No
112-07-47	0.08	R-1	BDA	Residential	No	No	No	No
112-07-46	0.08	R-1	BDA	Residential	No	No	No	No
112-07-43	0.10	R-1	BDA	Residential	No	No	No	No
113-08-05	0.22	R-1	BDA	Residential	No	No	No	No
115-07-16	0.18	R-1	BDA	Residential	No	No	No	No
117-07-24	0.32	R-1	BDA	Residential	No	No	No	No
117-07-26	0.26	R-1	BDA	Residential	No	No	No	No
117-10-52	0.14	R-1	BDA	Residential	No	No	No	No
118-07-76	0.36	R-1	BDA	Residential	No	No	No	No
118-06-58	0.14	R-1	BDA	Residential	No	No	No	No
120-48-18	1.06	R-1	BDA	Residential	No	No	No	No
120-35-47	0.28	R-1	BDA	Residential	No	No	No	No
120-60-78	0.17	R-1	BDA	Residential	No	No	No	No
120-35-51	0.27	R-1	BDA	Residential	No	No	No	No
052-57-24	0.18	R-1	BDA	Residential	No	No	No	No
055-42-57	0.15	R-1	BDA	Residential	No	No	No	No
055-12-46	0.85	R-1	BDA	Residential	No	No	No	No
055-42-73	0.21	R-1	BDA	Residential	No	No	No	No
056-82-14	0.12	R-1	BDA	Residential	No	Yes	No	No
056-82-11	0.12	R-1	BDA	Residential	No	Yes	No	No
056-81-29	0.12	R-1	BDA	Residential	No	Yes	No	No
056-81-28	0.12	R-1	BDA	Residential	No	Yes	No	No
056-81-26	0.15	R-1	BDA	Residential	No	Yes	No	No
059-18-13	0.17	R-1	BDA	Residential	No	No	No	No
065-30-49	0.18	R-1	BDA	Residential	No	No	No	No
065-22-69	0.37	R-1	BDA	Residential	No	No	No	No
065-32-38	0.24	R-1	BDA	Residential	No	No	No	No
065-32-47	0.16	R-1	BDA	Residential	No	No	No	No
065-30-71	0.18	R-1	BDA	Residential	No	No	No	No
065-30-70	0.19	R-1	BDA	Residential	No	No	No	No
065-30-54	0.23	R-1	BDA	Residential	No	No	No	No

Table A-1  
Page 2

065-30-53	0.28	R-1	BDA	Residential	No	No	No	No
065-32-75	0.17	R-1	BDA	Residential	No	No	No	No
065-22-71	0.26	R-1	BDA	Residential	No	No	No	No
065-22-70	0.31	R-1	BDA	Residential	No	No	No	No
065-30-69	0.17	R-1	BDA	Residential	No	No	No	No
065-30-65	0.20	R-1	BDA	Residential	No	No	No	No
065-30-67	0.16	R-1	BDA	Residential	No	No	No	No
065-30-66	0.16	R-1	BDA	Residential	No	No	No	No
067-27-22	0.21	R-1	BDA	Residential	No	No	No	No
067-08-80	0.26	R-1	BDA	Residential	No	No	No	No
067-35-62	0.58	R-1	BDA	Residential	No	No	No	No
067-16-22	0.16	R-1	BDA	Residential	Yes	No	No	No
068-09-27	0.18	R-1	BDA	Residential	No	No	No	No
068-07-04	0.15	R-1	BDA	Residential	No	No	No	No
068-34-31	0.18	R-1	BDA	Residential	No	No	No	No
068-06-28	0.24	R-1	BDA	Residential	No	No	No	No
068-07-41	0.16	R-1	BDA	Residential	No	No	No	No
076-03-62	0.22	R-1	BDA	Residential	No	No	No	No
076-55-68	0.23	R-1	BDA	Residential	No	No	No	No
076-12-25	0.23	R-1	BDA	Residential	No	No	No	No
076-52-71	0.23	R-1	BDA	Residential	No	No	No	No
077-21-59	0.16	R-1	BDA	Residential	No	No	No	No
077-21-58	0.25	R-1	BDA	Residential	No	No	No	No
077-19-49	0.12	R-1	BDA	Residential	No	No	No	No
078-37-18	0.63	R-1	BDA	Residential	No	No	No	No
078-37-91	0.80	R-1	BDA	Residential	No	No	No	No
078-37-93	0.03	R-1	BDA	Residential	No	No	No	No
078-37-89	0.63	R-1	BDA	Residential	No	No	No	No
078-37-05	0.64	R-1	BDA	Residential	No	No	No	No
078-37-06	0.78	R-1	BDA	Residential	No	No	No	No
078-37-31	1.07	R-1	BDA	Residential	No	No	No	No
078-37-32	0.66	R-1	BDA	Residential	No	No	No	No
078-37-66	0.60	R-1	BDA	Residential	No	No	No	No
078-37-24	0.59	R-1	BDA	Residential	No	No	No	No
078-37-53	1.05	R-1	BDA	Residential	No	No	No	No
081-50-91	0.15	R-1	BDA	Residential	No	No	No	No
081-45-03	0.48	R-1	BDA	Residential	No	No	No	No
081-18-62	0.21	R-1	BDA	Residential	No	No	No	No
081-50-86	0.11	R-1	BDA	Residential	No	No	No	No
081-50-82	0.16	R-1	BDA	Residential	No	No	No	No
081-53-19	0.18	R-1	BDA	Residential	No	No	No	No
081-53-18	0.14	R-1	BDA	Residential	No	No	No	No
081-53-15	0.12	R-1	BDA	Residential	No	No	No	No
081-53-14	0.13	R-1	BDA	Residential	No	No	No	No
081-53-16	0.12	R-1	BDA	Residential	No	No	No	No
081-29-41	0.13	R-1	BDA	Residential	No	No	No	No
081-36-05	0.14	R-1	BDA	Residential	No	No	No	No
081-36-06	0.14	R-1	BDA	Residential	No	No	No	No
013-05-49	0.19	R-1	BDA	Residential	No	No	No	No
013-05-48	0.20	R-1	BDA	Residential	No	No	No	No
013-05-45	0.21	R-1	BDA	Residential	No	No	No	No
013-05-44	0.25	R-1	BDA	Residential	No	No	No	No

Table A-1  
Page 3

013-05-47	0.23	R-1	BDA	Residential	No	No	No	No
013-05-46	0.24	R-1	BDA	Residential	No	No	No	No
013-81-01	0.17	R-1	BDA	Residential	No	No	No	No
029-21-37	0.16	R-1	BDA	Residential	No	No	No	No
029-21-36	0.17	R-1	BDA	Residential	No	No	No	No
029-01-08	0.19	R-1	BDA	Residential	No	No	No	No
029-25-29	0.34	R-1	BDA	Residential	No	No	No	No
029-18-26	0.68	R-1	BDA	Residential	No	No	No	No
029-30-39	0.24	R-1	BDA	Residential	No	No	No	No
029-25-31	0.21	R-1	BDA	Residential	No	No	No	No
029-21-39	0.10	R-1	BDA	Residential	No	No	No	No
029-21-38	0.15	R-1	BDA	Residential	No	No	No	No
030-50-06	0.18	R-1	BDA	Residential	No	No	No	No
030-57-03	0.27	R-1	BDA	Residential	No	No	No	No
031-11-12	0.11	R-1	BDA	Residential	No	No	No	No
031-14-76	0.17	R-1	BDA	Residential	No	No	No	No
031-13-82	0.59	R-1	BDA	Residential	No	No	No	No
031-20-39	0.26	R-1	BDA	Residential	No	No	No	No
031-48-62	0.13	R-1	BDA	Residential	No	No	No	No
032-22-32	0.06	R-1	BDA	Residential	No	No	No	No
032-62-74	0.29	R-1	BDA	Residential	No	No	No	No
033-25-06	5.21	R-1	BDA	Residential	Yes	No	No	No
033-92-90	0.16	R-1	BDA	Residential	No	No	No	No
033-92-88	0.13	R-1	BDA	Residential	No	No	No	No
033-92-89	0.13	R-1	BDA	Residential	No	No	No	No
033-22-08	0.18	R-1	BDA	Residential	Yes	No	No	No
034-29-61	0.05	R-1	BDA	Residential	Yes	No	No	No
034-17-16	0.18	R-1	BDA	Residential	No	No	No	No
034-07-43	0.14	R-1	BDA	Residential	No	No	No	No
034-14-15	0.07	R-1	BDA	Residential	Yes	No	No	No
034-14-16	0.07	R-1	BDA	Residential	Yes	No	No	No
034-14-29	0.07	R-1	BDA	Residential	Yes	No	No	No
037-65-15	0.13	R-1	BDA	Residential	No	No	No	No
037-65-14	0.14	R-1	BDA	Residential	No	No	No	No
037-65-13	0.13	R-1	BDA	Residential	No	No	No	No
037-65-12	0.13	R-1	BDA	Residential	No	No	No	No
078-37-35	0.56	R-1	BDA	Residential	No	No	No	No
078-37-37	0.68	R-1	BDA	Residential	No	No	No	No
078-37-36	0.56	R-1	BDA	Residential	No	No	No	No
078-37-54	0.77	R-1	BDA	Residential	No	No	No	No
116-06-01	5.01	R-1	BDA	Residential	No	No	No	No
107-09-01	6.68	R-1	BDA	Residential	Yes	Yes	No	No
108-03-16	1.79	R-1	BDA	Residential	Yes	No	No	No
054-51-02	1.00	R-1	BDA	Residential	No	No	No	No
067-29-57	1.49	R-1	BDA	Residential	No	No	No	No
067-33-20	12.29	R-1	BDA	Residential	No	No	No	No
077-07-37	2.68	R-1	BDA	Residential	No	No	No	No
005-65-67	0.31	R-1	BDA	Residential	No	No	No	No
029-24-07	1.22	R-1	BDA	Residential	No	No	No	No
030-01-10	80.60	R-1	BDA	Residential	No	No	No	No
030-10-25	1.52	R-1	BDA	Residential	No	No	No	No
031-06-59	0.38	R-1	BDA	Residential	No	No	No	No

Table A-1  
Page 4

032-01-04	0.44	R-1	BDA	Residential	No	No	No	No
032-01-01	0.27	R-1	BDA	Residential	No	No	No	No
032-01-02	0.27	R-1	BDA	Residential	No	No	No	No
032-18-06	3.37	R-1	BDA	Residential	No	No	No	No
032-15-41	7.05	R-1	BDA	Residential	No	No	No	No
033-25-06	5.21	R-1	BDA	Residential	No	No	No	No
034-13-06	12.56	R-1	BDA	Residential	Yes	No	No	No
056-28-15	5.26	R-1	Fairview	Residential	No	No	No	No
056-27-10	12.38	R-1	Fairview	Residential	No	No	No	No
056-28-08	45.05	R-1	Fairview	Residential	No	No	No	No
056-28-07	54.49	R-1	Fairview	Residential	No	No	No	No
077-08-26	105.35	R-1	Village One	Residential	No	No	No	No
077-08-20	27.18	R-1	Village One	Residential	No	No	No	No
077-33-07	19.52	R-1	Village One	Residential	No	No	No	No
077-09-14	2.87	R-1	Village One	Residential	No	No	No	No
077-09-13	16.80	R-1	Village One	Residential	No	No	No	No
077-09-12	19.58	R-1	Village One	Residential	No	No	No	No
077-09-25	9.73	R-1	Village One	Residential	No	No	No	No
077-09-26	28.80	R-1	Village One	Residential	No	No	No	No
078-18-47	4.30	R-1	Kiernan/Carver	Residential	No	No	No	No
085-02-55	6.99	R-1	Village One	Residential	No	No	No	No
085-02-56	9.26	R-1	Village One	Residential	No	No	No	No
085-02-52	8.91	R-1	Village One	Residential	No	No	No	No
085-02-39	3.66	R-1	Village One	Residential	No	No	No	No
085-07-11	1.49	R-1	Village One	Residential	No	No	No	No
085-07-13	1.26	R-1	Village One	Residential	No	No	No	No
085-03-57	5.30	R-1	Village One	Residential	No	No	No	No
056-49-38	0.12	R-1	BDA	Residential	No	No	No	No
056-77-78	0.14	R-1	BDA	Residential	No	No	No	No
068-18-12	1.36	R-1	BDA	Residential	Yes	Yes	No	No
077-08-21	0.59	R-1	Village One	Residential	No	No	No	No
065-30-68	0.16	R-1	BDA	Residential	No	No	No	No
065-30-50	0.18	R-1	BDA	Residential	No	No	No	No
029-30-16	0.40	R-1	BDA	Residential	No	No	No	No
081-21-01	2.04	R-1	BDA	Residential	No	No	No	No
081-12-07	24.03	R-1	BDA	Residential	No	No	No	No
113-08-06	0.95	R-1	BDA	Residential	No	No	No	No
077-44-17	0.11	R-1	BDA	Residential	No	No	No	No
077-44-15	0.14	R-1	BDA	Residential	No	No	No	No
070-09-47	0.19	R-1	BDA	Residential	Yes	No	No	No
070-13-11	0.25	R-1	BDA	Residential	Yes	No	No	No
116-04-40	0.57	R-1	BDA	Residential	No	No	No	No
085-01-78	2.15	R-1	Village One	Residential	No	No	No	No
	606.35	<b>R-1 Total</b>						
101-07-22	0.16	R-2	BDA	Residential	No	No	No	No
101-06-24	0.16	R-2	BDA	Residential	No	No	No	No
101-06-17	0.16	R-2	BDA	Residential	No	No	No	No
101-06-63	0.01	R-2	BDA	Residential	No	No	No	No
101-08-21	0.24	R-2	BDA	Residential	No	No	No	No
101-07-58	0.17	R-2	BDA	Residential	No	No	No	No
102-03-70	0.16	R-2	BDA	Residential	No	No	No	No
102-03-12	0.13	R-2	BDA	Residential	No	No	No	No

Table A-1  
Page 5

102-01-07	0.16	R-2	BDA	Residential	No	No	No	No
102-08-69	0.14	R-2	BDA	Residential	No	No	No	No
102-01-25	0.16	R-2	BDA	Residential	No	No	No	No
103-21-06	0.16	R-2	BDA	Residential	No	No	No	No
107-07-33	0.12	R-2	BDA	Residential	No	No	No	No
109-04-57	0.35	R-2	BDA	Residential	No	No	No	No
110-01-57	1.50	R-2	BDA	Residential	No	No	No	No
052-63-20	2.21	R-2	BDA	Residential	No	No	No	No
065-24-14	2.82	R-2	BDA	Residential	No	No	No	No
068-01-75	0.14	R-2	BDA	Residential	No	No	No	No
068-01-69	0.18	R-2	BDA	Residential	No	No	No	No
068-01-68	0.16	R-2	BDA	Residential	No	No	No	No
068-01-67	0.14	R-2	BDA	Residential	No	No	No	No
013-70-67	1.36	R-2	BDA	Residential	No	No	No	No
031-06-45	0.35	R-2	BDA	Residential	No	No	No	No
032-13-15	0.21	R-2	BDA	Residential	No	No	No	No
032-13-01	0.21	R-2	BDA	Residential	No	No	No	No
033-71-19	0.12	R-2	BDA	Residential	No	No	No	No
034-02-41	0.24	R-2	BDA	Residential	No	No	No	No
034-06-01	0.08	R-2	BDA	Residential	No	No	No	No
034-06-02	0.21	R-2	BDA	Residential	No	No	No	No
034-07-22	0.69	R-2	BDA	Residential	No	No	No	No
035-46-28	0.15	R-2	BDA	Residential	No	Yes	No	No
035-46-26	0.15	R-2	BDA	Residential	No	Yes	No	No
035-48-14	0.18	R-2	BDA	Residential	No	No	No	No
035-47-26	0.19	R-2	BDA	Residential	No	No	No	No
035-44-37	0.18	R-2	BDA	Residential	No	No	No	No
065-21-09	4.04	R-2	BDA	Residential	No	No	No	No
065-21-04	0.74	R-2	BDA	Residential	No	No	No	No
065-21-03	18.47	R-2	BDA	Residential	No	No	No	No
065-24-13	4.07	R-2	BDA	Residential	No	No	No	No
005-65-68	0.84	R-2	BDA	Residential	No	No	No	No
031-02-03	0.50	R-2	BDA	Residential	No	No	No	No
034-06-06	1.55	R-2	BDA	Residential	No	No	No	No
033-78-05	1.09	R-2	BDA	Residential	No	No	No	No
	45.07	<b>R-2 Total</b>						
104-28-09	0.06	R-3	BDA	Residential	No	No	No	No
104-28-08	0.10	R-3	BDA	Residential	No	No	No	No
104-19-14	0.04	R-3	BDA	Residential	No	No	No	No
104-19-12	0.16	R-3	BDA	Residential	No	No	No	No
104-26-01	0.03	R-3	BDA	Residential	No	No	No	No
104-21-08	0.16	R-3	BDA	Residential	No	No	No	No
106-05-04	0.16	R-3	BDA	Residential	No	No	No	No
106-07-15	0.32	R-3	BDA	Residential	No	No	No	No
107-08-15	0.27	R-3	BDA	Residential	No	No	No	No
109-03-88	0.21	R-3	BDA	Residential	No	No	No	No
110-09-16	0.12	R-3	BDA	Residential	No	No	No	No
110-08-12	0.25	R-3	BDA	Residential	No	No	No	No
030-56-04	1.02	R-3	BDA	Residential	No	No	No	No
031-01-15	0.22	R-3	BDA	Residential	No	No	No	No
033-31-64	0.27	R-3	BDA	Residential	No	No	No	No
035-42-73	0.12	R-3	BDA	Residential	No	No	No	No

Table A-1  
Page 6

035-42-31	0.19	R-3	BDA	Residential	No	No	No	No
035-45-01	0.37	R-3	BDA	Residential	No	No	No	No
035-45-56	0.22	R-3	BDA	Residential	No	No	No	No
035-42-05	0.19	R-3	BDA	Residential	No	No	No	No
033-30-34	1.31	R-3	BDA	Residential	No	No	No	No
035-45-17	0.35	R-3	BDA	Residential	No	No	No	No
067-27-21	1.51	R-3	BDA	Residential	No	No	No	No
031-01-37	0.40	R-3	BDA	Residential	No	No	No	No
033-78-05	4.29	R-3	BDA	Residential	No	No	No	No
033-78-02	3.71	R-3	BDA	Residential	No	No	No	No
109-14-10	0.12	R-3	BDA	Residential	No	No	No	No
031-01-23	0.95	R-3	BDA	Residential	No	No	No	No
031-01-22	0.23	R-3	BDA	Residential	No	No	No	No
031-01-33	0.44	R-3	BDA	Residential	No	No	No	No
	17.78	<b>R-3 Total</b>						
014-38-02	14.46		Empire North	Residential	Yes	No	No	No
	683.92	<b>Grand Total</b>						

APN	Acres	Zone	Location	Type	Parcel Count	Located in a Riparian Zone?	Located in the Flood Zone?	Located in the Flood Plain?	Located in a Hazardous Materials site?
082-08-16	7.23	SP-O R-1	Coffee/Claratina	Tentative	1	No	No	No	No
	7.23	<b>Coffee/Claratina Total</b>							
056-27-02	82.61	SP-O R-1	Fairview	Tentative	2	No	No	No	No
	82.61	<b>Fairview Total</b>							
046-07-08	19.74	SP-O R-1	Pelandale/Snyder	Tentative	3	No	No	No	No
	19.74	<b>Pelandale/Snyder Total</b>							
085-49-16	8.60	SP-H R-1	Village One	Tentative	4	No	No	No	No
085-38-52	4.74	SP-O R-1	Village One	Tentative	5	No	No	No	No
085-01-78	2.30	SP-H R-1	Village One	Tentative	6	No	No	No	No
085-42-01	10.80	SP-O R-1	Village One	Tentative	7	No	No	No	No
	26.44	<b>Village One Total</b>							
	136.02	<b>Grand Total</b>							

APN	Acres	Zone	Location	Type	Parcel Count	Located in a Riparian Zone?	Located in a Flood Zone?	Located in a Flood Plain?	Located in a Hazardous Materials site?
082-20-46	0.16	R-1	Coffee/Claratina	Finaled	1	No	No	No	No
082-20-44	0.12	R-1	Coffee/Claratina	Finaled	2	No	No	No	No
082-20-45	0.12	R-1	Coffee/Claratina	Finaled	3	No	No	No	No
082-19-16	0.19	R-1	Coffee/Claratina	Finaled	4	No	No	No	No
082-19-17	0.19	R-1	Coffee/Claratina	Finaled	5	No	No	No	No
082-19-41	0.19	R-1	Coffee/Claratina	Finaled	6	No	No	No	No
082-22-57	0.21	R-1	Coffee/Claratina	Finaled	7	No	No	No	No
082-22-45	0.38	R-1	Coffee/Claratina	Finaled	8	No	No	No	No
082-22-34	0.18	R-1	Coffee/Claratina	Finaled	9	No	No	No	No
082-22-58	0.28	R-1	Coffee/Claratina	Finaled	10	No	No	No	No
082-22-33	0.21	R-1	Coffee/Claratina	Finaled	11	No	No	No	No
082-22-44	0.20	R-1	Coffee/Claratina	Finaled	12	No	No	No	No
082-22-35	0.23	R-1	Coffee/Claratina	Finaled	13	No	No	No	No
082-22-47	0.21	R-1	Coffee/Claratina	Finaled	14	No	No	No	No
082-22-56	0.23	R-1	Coffee/Claratina	Finaled	15	No	No	No	No
082-22-32	0.17	R-1	Coffee/Claratina	Finaled	16	No	No	No	No
082-22-59	0.17	R-1	Coffee/Claratina	Finaled	17	No	No	No	No
082-22-43	0.13	R-1	Coffee/Claratina	Finaled	18	No	No	No	No
082-22-48	0.13	R-1	Coffee/Claratina	Finaled	19	No	No	No	No
082-22-36	0.14	R-1	Coffee/Claratina	Finaled	20	No	No	No	No
082-22-55	0.15	R-1	Coffee/Claratina	Finaled	21	No	No	No	No
082-22-31	0.13	R-1	Coffee/Claratina	Finaled	22	No	No	No	No
082-22-60	0.15	R-1	Coffee/Claratina	Finaled	23	No	No	No	No
082-22-42	0.15	R-1	Coffee/Claratina	Finaled	24	No	No	No	No
082-22-49	0.15	R-1	Coffee/Claratina	Finaled	25	No	No	No	No
082-22-37	0.15	R-1	Coffee/Claratina	Finaled	26	No	No	No	No
082-22-30	0.13	R-1	Coffee/Claratina	Finaled	27	No	No	No	No
082-22-54	0.15	R-1	Coffee/Claratina	Finaled	28	No	No	No	No
082-22-61	0.15	R-1	Coffee/Claratina	Finaled	29	No	No	No	No
082-22-41	0.15	R-1	Coffee/Claratina	Finaled	30	No	No	No	No
082-22-50	0.15	R-1	Coffee/Claratina	Finaled	31	No	No	No	No
082-22-38	0.15	R-1	Coffee/Claratina	Finaled	32	No	No	No	No
082-22-29	0.15	R-1	Coffee/Claratina	Finaled	33	No	No	No	No
082-22-53	0.15	R-1	Coffee/Claratina	Finaled	34	No	No	No	No
082-22-62	0.15	R-1	Coffee/Claratina	Finaled	35	No	No	No	No
082-22-40	0.18	R-1	Coffee/Claratina	Finaled	36	No	No	No	No
082-22-39	0.18	R-1	Coffee/Claratina	Finaled	37	No	No	No	No
082-22-51	0.18	R-1	Coffee/Claratina	Finaled	38	No	No	No	No
082-22-28	0.18	R-1	Coffee/Claratina	Finaled	39	No	No	No	No
082-22-52	0.20	R-1	Coffee/Claratina	Finaled	40	No	No	No	No
082-22-63	0.18	R-1	Coffee/Claratina	Finaled	41	No	No	No	No
082-22-17	0.17	R-1	Coffee/Claratina	Finaled	42	No	No	No	No
082-22-18	0.17	R-1	Coffee/Claratina	Finaled	43	No	No	No	No
082-22-27	0.17	R-1	Coffee/Claratina	Finaled	44	No	No	No	No
082-22-09	0.18	R-1	Coffee/Claratina	Finaled	45	No	No	No	No
082-22-08	0.21	R-1	Coffee/Claratina	Finaled	46	No	No	No	No
082-22-01	0.19	R-1	Coffee/Claratina	Finaled	47	No	No	No	No

Table A-1  
Page 9

082-22-16	0.15	R-1	Coffee/Claratina	Finaled	48	No	No	No	No
082-22-19	0.15	R-1	Coffee/Claratina	Finaled	49	No	No	No	No
082-22-26	0.15	R-1	Coffee/Claratina	Finaled	50	No	No	No	No
082-22-10	0.15	R-1	Coffee/Claratina	Finaled	51	No	No	No	No
082-22-07	0.16	R-1	Coffee/Claratina	Finaled	52	No	No	No	No
082-22-02	0.15	R-1	Coffee/Claratina	Finaled	53	No	No	No	No
082-22-20	0.15	R-1	Coffee/Claratina	Finaled	54	No	No	No	No
082-22-25	0.16	R-1	Coffee/Claratina	Finaled	55	No	No	No	No
082-22-15	0.14	R-1	Coffee/Claratina	Finaled	56	No	No	No	No
082-22-11	0.15	R-1	Coffee/Claratina	Finaled	57	No	No	No	No
082-22-03	0.15	R-1	Coffee/Claratina	Finaled	58	No	No	No	No
082-22-06	0.17	R-1	Coffee/Claratina	Finaled	59	No	No	No	No
082-22-21	0.15	R-1	Coffee/Claratina	Finaled	60	No	No	No	No
082-22-24	0.16	R-1	Coffee/Claratina	Finaled	61	No	No	No	No
082-22-04	0.19	R-1	Coffee/Claratina	Finaled	62	No	No	No	No
082-22-05	0.20	R-1	Coffee/Claratina	Finaled	63	No	No	No	No
082-22-12	0.24	R-1	Coffee/Claratina	Finaled	64	No	No	No	No
082-22-13	0.20	R-1	Coffee/Claratina	Finaled	65	No	No	No	No
082-22-14	0.25	R-1	Coffee/Claratina	Finaled	66	No	No	No	No
082-22-22	0.19	R-1	Coffee/Claratina	Finaled	67	No	No	No	No
082-21-38	0.13	R-1	Coffee/Claratina	Finaled	68	No	No	No	No
082-21-37	0.13	R-1	Coffee/Claratina	Finaled	69	No	No	No	No
082-21-36	0.12	R-1	Coffee/Claratina	Finaled	70	No	No	No	No
082-21-35	0.12	R-1	Coffee/Claratina	Finaled	71	No	No	No	No
082-21-34	0.12	R-1	Coffee/Claratina	Finaled	72	No	No	No	No
082-21-33	0.12	R-1	Coffee/Claratina	Finaled	73	No	No	No	No
082-21-32	0.12	R-1	Coffee/Claratina	Finaled	74	No	No	No	No
082-21-31	0.13	R-1	Coffee/Claratina	Finaled	75	No	No	No	No
082-21-30	0.13	R-1	Coffee/Claratina	Finaled	76	No	No	No	No
082-21-29	0.13	R-1	Coffee/Claratina	Finaled	77	No	No	No	No
082-21-28	0.16	R-1	Coffee/Claratina	Finaled	78	No	No	No	No
082-21-27	0.18	R-1	Coffee/Claratina	Finaled	79	No	No	No	No
082-21-26	0.16	R-1	Coffee/Claratina	Finaled	80	No	No	No	No
082-21-25	0.19	R-1	Coffee/Claratina	Finaled	81	No	No	No	No
082-21-16	0.21	R-1	Coffee/Claratina	Finaled	82	No	No	No	No
082-21-24	0.24	R-1	Coffee/Claratina	Finaled	83	No	No	No	No
082-21-17	0.17	R-1	Coffee/Claratina	Finaled	84	No	No	No	No
082-21-18	0.18	R-1	Coffee/Claratina	Finaled	85	No	No	No	No
082-21-19	0.18	R-1	Coffee/Claratina	Finaled	86	No	No	No	No
082-21-20	0.18	R-1	Coffee/Claratina	Finaled	87	No	No	No	No
082-21-21	0.16	R-1	Coffee/Claratina	Finaled	88	No	No	No	No
082-21-23	0.21	R-1	Coffee/Claratina	Finaled	89	No	No	No	No
082-21-22	0.30	R-1	Coffee/Claratina	Finaled	90	No	No	No	No
082-21-44	1.69	R-1	Coffee/Claratina	Finaled	91	No	No	No	No
082-21-15	0.19	R-1	Coffee/Claratina	Finaled	92	No	No	No	No
082-21-01	0.20	R-1	Coffee/Claratina	Finaled	93	No	No	No	No
082-21-14	0.16	R-1	Coffee/Claratina	Finaled	94	No	No	No	No
082-21-02	0.16	R-1	Coffee/Claratina	Finaled	95	No	No	No	No
082-21-13	0.16	R-1	Coffee/Claratina	Finaled	96	No	No	No	No
082-21-03	0.16	R-1	Coffee/Claratina	Finaled	97	No	No	No	No
082-21-12	0.16	R-1	Coffee/Claratina	Finaled	98	No	No	No	No
082-21-04	0.16	R-1	Coffee/Claratina	Finaled	99	No	No	No	No

Table A-1  
Page 10

082-21-11	0.16	R-1	Coffee/Claratina	Finaled	100	No	No	No	No
082-21-05	0.16	R-1	Coffee/Claratina	Finaled	101	No	No	No	No
082-21-10	0.16	R-1	Coffee/Claratina	Finaled	102	No	No	No	No
082-21-06	0.17	R-1	Coffee/Claratina	Finaled	103	No	No	No	No
082-21-09	0.26	R-1	Coffee/Claratina	Finaled	104	No	No	No	No
082-21-08	0.19	R-1	Coffee/Claratina	Finaled	105	No	No	No	No
082-21-07	0.27	R-1	Coffee/Claratina	Finaled	106	No	No	No	No
	19.82		<b>Coffee/Claratina Total</b>						
046-21-12	0.17	R-1	Kiernan/Carver	Finaled	107	No	No	No	No
046-21-13	0.17	R-1	Kiernan/Carver	Finaled	108	No	No	No	No
046-21-10	0.17	R-1	Kiernan/Carver	Finaled	109	No	No	No	No
046-21-11	0.17	R-1	Kiernan/Carver	Finaled	110	No	No	No	No
046-21-16	0.20	R-1	Kiernan/Carver	Finaled	111	No	No	No	No
046-21-14	0.17	R-1	Kiernan/Carver	Finaled	112	No	No	No	No
046-21-15	0.16	R-1	Kiernan/Carver	Finaled	113	No	No	No	No
046-21-08	0.20	R-1	Kiernan/Carver	Finaled	114	No	No	No	No
046-21-09	0.18	R-1	Kiernan/Carver	Finaled	115	No	No	No	No
046-21-40	0.23	R-1	Kiernan/Carver	Finaled	116	No	No	No	No
046-21-33	0.22	R-1	Kiernan/Carver	Finaled	117	No	No	No	No
046-21-36	0.18	R-1	Kiernan/Carver	Finaled	118	No	No	No	No
046-21-37	0.19	R-1	Kiernan/Carver	Finaled	119	No	No	No	No
046-21-34	0.20	R-1	Kiernan/Carver	Finaled	120	No	No	No	No
046-21-35	0.17	R-1	Kiernan/Carver	Finaled	121	No	No	No	No
046-21-38	0.18	R-1	Kiernan/Carver	Finaled	122	No	No	No	No
046-21-39	0.21	R-1	Kiernan/Carver	Finaled	123	No	No	No	No
046-21-30	0.18	R-1	Kiernan/Carver	Finaled	124	No	No	No	No
046-21-31	0.19	R-1	Kiernan/Carver	Finaled	125	No	No	No	No
046-21-26	0.17	R-1	Kiernan/Carver	Finaled	126	No	No	No	No
046-21-27	0.17	R-1	Kiernan/Carver	Finaled	127	No	No	No	No
046-21-28	0.17	R-1	Kiernan/Carver	Finaled	128	No	No	No	No
046-21-29	0.17	R-1	Kiernan/Carver	Finaled	129	No	No	No	No
046-21-48	0.18	R-1	Kiernan/Carver	Finaled	130	No	No	No	No
046-21-73	0.16	R-1	Kiernan/Carver	Finaled	131	No	No	No	No
046-21-62	0.16	R-1	Kiernan/Carver	Finaled	132	No	No	No	No
046-21-63	0.15	R-1	Kiernan/Carver	Finaled	133	No	No	No	No
046-21-60	0.16	R-1	Kiernan/Carver	Finaled	134	No	No	No	No
046-21-61	0.18	R-1	Kiernan/Carver	Finaled	135	No	No	No	No
046-21-56	0.16	R-1	Kiernan/Carver	Finaled	136	No	No	No	No
046-21-57	0.24	R-1	Kiernan/Carver	Finaled	137	No	No	No	No
046-21-54	0.17	R-1	Kiernan/Carver	Finaled	138	No	No	No	No
046-21-55	0.17	R-1	Kiernan/Carver	Finaled	139	No	No	No	No
046-21-58	0.19	R-1	Kiernan/Carver	Finaled	140	No	No	No	No
046-21-59	0.23	R-1	Kiernan/Carver	Finaled	141	No	No	No	No
046-21-72	0.16	R-1	Kiernan/Carver	Finaled	142	No	No	No	No
046-21-70	0.17	R-1	Kiernan/Carver	Finaled	143	No	No	No	No
046-21-71	0.16	R-1	Kiernan/Carver	Finaled	144	No	No	No	No
046-20-72	0.17	R-1	Kiernan/Carver	Finaled	145	No	No	No	No
046-20-71	0.20	R-1	Kiernan/Carver	Finaled	146	No	No	No	No
046-21-18	0.18	R-1	Kiernan/Carver	Finaled	147	No	No	No	No
046-21-19	0.17	R-1	Kiernan/Carver	Finaled	148	No	No	No	No
046-20-83	0.16	R-1	Kiernan/Carver	Finaled	149	No	No	No	No
046-20-82	0.16	R-1	Kiernan/Carver	Finaled	150	No	No	No	No

Table A-1  
Page 11

046-20-81	0.17	R-1	Kiernan/Carver	Finaled	151	No	No	No	No
046-20-80	0.17	R-1	Kiernan/Carver	Finaled	152	No	No	No	No
046-20-87	0.21	R-1	Kiernan/Carver	Finaled	153	No	No	No	No
046-20-86	0.16	R-1	Kiernan/Carver	Finaled	154	No	No	No	No
046-20-85	0.17	R-1	Kiernan/Carver	Finaled	155	No	No	No	No
046-20-84	0.16	R-1	Kiernan/Carver	Finaled	156	No	No	No	No
046-20-73	0.16	R-1	Kiernan/Carver	Finaled	157	No	No	No	No
046-20-76	0.16	R-1	Kiernan/Carver	Finaled	158	No	No	No	No
046-20-77	0.17	R-1	Kiernan/Carver	Finaled	159	No	No	No	No
046-20-74	0.16	R-1	Kiernan/Carver	Finaled	160	No	No	No	No
046-20-75	0.16	R-1	Kiernan/Carver	Finaled	161	No	No	No	No
046-20-78	0.17	R-1	Kiernan/Carver	Finaled	162	No	No	No	No
046-21-22	0.17	R-1	Kiernan/Carver	Finaled	163	No	No	No	No
046-21-23	0.18	R-1	Kiernan/Carver	Finaled	164	No	No	No	No
046-21-20	0.20	R-1	Kiernan/Carver	Finaled	165	No	No	No	No
046-21-21	0.17	R-1	Kiernan/Carver	Finaled	166	No	No	No	No
046-21-24	0.17	R-1	Kiernan/Carver	Finaled	167	No	No	No	No
046-21-25	0.18	R-1	Kiernan/Carver	Finaled	168	No	No	No	No
078-64-10	0.19	R-1	Kiernan/Carver	Finaled	169	No	No	No	No
078-64-11	0.15	R-1	Kiernan/Carver	Finaled	170	No	No	No	No
078-64-12	0.15	R-1	Kiernan/Carver	Finaled	171	No	No	No	No
078-64-13	0.32	R-1	Kiernan/Carver	Finaled	172	No	No	No	No
078-64-09	0.18	R-1	Kiernan/Carver	Finaled	173	No	No	No	No
078-64-08	0.19	R-1	Kiernan/Carver	Finaled	174	No	No	No	No
078-64-22	0.22	R-1	Kiernan/Carver	Finaled	175	No	No	No	No
078-64-16	0.13	R-1	Kiernan/Carver	Finaled	176	No	No	No	No
078-64-21	0.15	R-1	Kiernan/Carver	Finaled	177	No	No	No	No
078-64-20	0.15	R-1	Kiernan/Carver	Finaled	178	No	No	No	No
078-64-19	0.15	R-1	Kiernan/Carver	Finaled	179	No	No	No	No
078-64-18	0.15	R-1	Kiernan/Carver	Finaled	180	No	No	No	No
078-64-17	0.14	R-1	Kiernan/Carver	Finaled	181	No	No	No	No
078-64-23	0.21	R-1	Kiernan/Carver	Finaled	182	No	No	No	No
078-64-15	0.19	R-1	Kiernan/Carver	Finaled	183	No	No	No	No
078-64-31	0.15	R-1	Kiernan/Carver	Finaled	184	No	No	No	No
078-64-24	0.14	R-1	Kiernan/Carver	Finaled	185	No	No	No	No
078-64-30	0.15	R-1	Kiernan/Carver	Finaled	186	No	No	No	No
078-64-25	0.15	R-1	Kiernan/Carver	Finaled	187	No	No	No	No
078-64-29	0.15	R-1	Kiernan/Carver	Finaled	188	No	No	No	No
078-64-26	0.15	R-1	Kiernan/Carver	Finaled	189	No	No	No	No
078-64-28	0.18	R-1	Kiernan/Carver	Finaled	190	No	No	No	No
078-64-27	0.18	R-1	Kiernan/Carver	Finaled	191	No	No	No	No
078-63-03	0.17	R-1	Kiernan/Carver	Finaled	192	No	No	No	No
078-63-04	0.17	R-1	Kiernan/Carver	Finaled	193	No	No	No	No
078-62-22	0.19	R-1	Kiernan/Carver	Finaled	194	No	No	No	No
078-62-27	0.18	R-1	Kiernan/Carver	Finaled	195	No	No	No	No
078-62-28	0.18	R-1	Kiernan/Carver	Finaled	196	No	No	No	No
078-62-29	0.14	R-1	Kiernan/Carver	Finaled	197	No	No	No	No
078-62-32	0.18	R-1	Kiernan/Carver	Finaled	198	No	No	No	No
078-62-30	0.15	R-1	Kiernan/Carver	Finaled	199	No	No	No	No
	16.23		<b>Kiernan/Carver Total</b>						
046-24-40	0.18	R-1	Pelandale/Snyder	Finaled	200	No	No	No	No
046-24-38	0.23	R-1	Pelandale/Snyder	Finaled	201	No	No	No	No

Table A-1  
Page 12

046-24-39	0.18	R-1	Pelandale/Snyder	Finaled	202	No	No	No	No
046-24-32	0.20	R-1	Pelandale/Snyder	Finaled	203	No	No	No	No
046-24-33	0.20	R-1	Pelandale/Snyder	Finaled	204	No	No	No	No
046-24-34	0.14	R-1	Pelandale/Snyder	Finaled	205	No	No	No	No
	1.12		<b>Pelandale/Snyder Total</b>						
085-48-22	8.09	R-1	Village One	Finaled	206	No	No	No	No
085-34-67	0.21	R-1	Village One	Finaled	207	No	No	No	No
077-50-20	0.15	R-1	Village One	Finaled	208	No	No	No	No
077-50-62	0.17	R-1	Village One	Finaled	209	No	No	No	No
077-50-63	0.15	R-1	Village One	Finaled	210	No	No	No	No
077-50-61	0.16	R-1	Village One	Finaled	211	No	No	No	No
077-50-52	0.14	R-1	Village One	Finaled	212	No	No	No	No
077-50-53	0.14	R-1	Village One	Finaled	213	No	No	No	No
077-50-50	0.15	R-1	Village One	Finaled	214	No	No	No	No
077-50-51	0.14	R-1	Village One	Finaled	215	No	No	No	No
077-50-54	0.14	R-1	Village One	Finaled	216	No	No	No	No
077-50-70	0.16	R-1	Village One	Finaled	217	No	No	No	No
077-50-71	0.14	R-1	Village One	Finaled	218	No	No	No	No
077-51-02	0.14	R-1	Village One	Finaled	219	No	No	No	No
077-51-03	0.15	R-1	Village One	Finaled	220	No	No	No	No
077-51-01	0.17	R-1	Village One	Finaled	221	No	No	No	No
085-39-83	0.19	R-1	Village One	Finaled	222	No	No	No	No
085-39-87	0.18	R-1	Village One	Finaled	223	No	No	No	No
085-39-86	0.16	R-1	Village One	Finaled	224	No	No	No	No
085-39-85	0.15	R-1	Village One	Finaled	225	No	No	No	No
085-39-84	0.15	R-1	Village One	Finaled	226	No	No	No	No
085-38-47	0.19	R-1	Village One	Finaled	227	No	No	No	No
085-38-48	0.14	R-1	Village One	Finaled	228	No	No	No	No
085-38-49	0.14	R-1	Village One	Finaled	229	No	No	No	No
085-38-51	0.16	R-1	Village One	Finaled	230	No	No	No	No
085-11-28	0.12	R-1	Village One	Finaled	231	No	No	No	No
085-11-29	0.12	R-1	Village One	Finaled	232	No	No	No	No
085-11-30	0.12	R-1	Village One	Finaled	233	No	No	No	No
085-11-31	0.14	R-1	Village One	Finaled	234	No	No	No	No
085-43-33	0.17	R-1	Village One	Finaled	235	No	No	No	No
085-43-30	0.15	R-1	Village One	Finaled	236	No	No	No	No
085-43-28	0.16	R-1	Village One	Finaled	237	No	No	No	No
085-43-40	0.15	R-1	Village One	Finaled	238	No	No	No	No
085-43-36	0.15	R-1	Village One	Finaled	239	No	No	No	No
085-43-51	0.15	R-1	Village One	Finaled	240	No	No	No	No
085-43-46	0.15	R-1	Village One	Finaled	241	No	No	No	No
085-43-47	0.15	R-1	Village One	Finaled	242	No	No	No	No
085-43-44	0.16	R-1	Village One	Finaled	243	No	No	No	No
085-43-45	0.15	R-1	Village One	Finaled	244	No	No	No	No
085-43-48	0.15	R-1	Village One	Finaled	245	No	No	No	No
085-43-16	0.16	R-1	Village One	Finaled	246	No	No	No	No
085-27-33	0.16	R-1	Village One	Finaled	247	No	No	No	No
085-43-03	0.15	R-1	Village One	Finaled	248	No	No	No	No
085-43-08	0.15	R-1	Village One	Finaled	249	No	No	No	No
085-27-23	0.16	R-1	Village One	Finaled	250	No	No	No	No
085-27-26	0.15	R-1	Village One	Finaled	251	No	No	No	No
085-27-25	0.15	R-1	Village One	Finaled	252	No	No	No	No

Table A-1  
Page 13

085-27-03	0.18	R-1	Village One	Finaled	253	No	No	No	No
085-27-52	0.16	R-1	Village One	Finaled	254	No	No	No	No
085-27-53	0.16	R-1	Village One	Finaled	255	No	No	No	No
085-27-55	0.16	R-1	Village One	Finaled	256	No	No	No	No
085-27-12	0.19	R-1	Village One	Finaled	257	No	No	No	No
085-27-11	0.17	R-1	Village One	Finaled	258	No	No	No	No
085-27-48	0.17	R-1	Village One	Finaled	259	No	No	No	No
085-27-46	0.17	R-1	Village One	Finaled	260	No	No	No	No
085-27-38	0.14	R-1	Village One	Finaled	261	No	No	No	No
085-43-17	0.15	R-1	Village One	Finaled	262	No	No	No	No
085-43-23	0.18	R-1	Village One	Finaled	263	No	No	No	No
085-43-24	0.15	R-1	Village One	Finaled	264	No	No	No	No
085-43-21	0.15	R-1	Village One	Finaled	265	No	No	No	No
085-17-65	0.13	R-1	Village One	Finaled	266	No	No	No	No
085-37-02	0.18	R-1	Village One	Finaled	267	No	No	No	No
085-37-03	0.20	R-1	Village One	Finaled	268	No	No	No	No
085-37-01	0.16	R-1	Village One	Finaled	269	No	No	No	No
085-36-06	0.18	R-1	Village One	Finaled	270	No	No	No	No
085-36-07	0.16	R-1	Village One	Finaled	271	No	No	No	No
085-37-26	0.20	R-1	Village One	Finaled	272	No	No	No	No
085-36-09	0.20	R-1	Village One	Finaled	273	No	No	No	No
085-37-33	0.24	R-1	Village One	Finaled	274	No	No	No	No
085-37-36	0.20	R-1	Village One	Finaled	275	No	No	No	No
085-37-37	0.25	R-1	Village One	Finaled	276	No	No	No	No
085-37-34	0.19	R-1	Village One	Finaled	277	No	No	No	No
085-37-35	0.21	R-1	Village One	Finaled	278	No	No	No	No
085-37-38	0.30	R-1	Village One	Finaled	279	No	No	No	No
085-37-18	0.17	R-1	Village One	Finaled	280	No	No	No	No
085-37-16	0.16	R-1	Village One	Finaled	281	No	No	No	No
085-37-17	0.24	R-1	Village One	Finaled	282	No	No	No	No
085-37-43	0.17	R-1	Village One	Finaled	283	No	No	No	No
085-37-46	0.16	R-1	Village One	Finaled	284	No	No	No	No
085-37-47	0.16	R-1	Village One	Finaled	285	No	No	No	No
085-37-44	0.16	R-1	Village One	Finaled	286	No	No	No	No
085-37-45	0.16	R-1	Village One	Finaled	287	No	No	No	No
085-37-48	0.16	R-1	Village One	Finaled	288	No	No	No	No
085-42-06	0.67	R-1	Village One	Finaled	289	No	No	No	No
085-32-30	0.19	R-1	Village One	Finaled	290	No	No	No	No
085-32-52	0.36	R-1	Village One	Finaled	291	No	No	No	No
085-32-35	0.21	R-1	Village One	Finaled	292	No	No	No	No
085-32-34	0.19	R-1	Village One	Finaled	293	No	No	No	No
085-32-26	0.19	R-1	Village One	Finaled	294	No	No	No	No
085-32-22	0.20	R-1	Village One	Finaled	295	No	No	No	No
085-32-57	0.92	R-1	Village One	Finaled	296	No	No	No	No
085-32-12	0.21	R-1	Village One	Finaled	297	No	No	No	No
085-32-09	0.19	R-1	Village One	Finaled	298	No	No	No	No
085-47-36	9.98	R-1	Village One	Finaled	299	No	No	No	No
077-45-06	0.78	R-1	Village One	Finaled	300	No	No	No	No
077-49-48	1.04	R-1	Village One	Finaled	301	No	No	No	No
077-54-32	38.47	R-1	Village One	Finaled	302	No	No	No	No
085-44-24	19.52	R-1	Village One	Finaled	303	No	No	No	No
085-06-80	36.97	R-1	Village One	Finaled	304	No	No	No	No

Table A-1  
Page 14

085-45-36	10.38	R-1	Village One	Finaled	305	No	No	No	No
085-27-49	0.18	R-1	Village One	Finaled	306	No	No	No	No
085-37-25	0.20	R-1	Village One	Finaled	307	No	No	No	No
	142.46		<b>Village One Total</b>						
	179.64		<b>Grand Total</b>						

APN	Acres	Zone	Location	Type	Parcel count	Located in a Riparian Zone?	Located in a Flood Zone?	Located in the Flood Plain?	Located in a Hazardous Materials site?
085-40-63	5.19	SP-O	Village One	Multifamily	1	No	No	No	No
077-08-29	9.96	SP-H	Village One	Multifamily	2	No	No	No	No
085-13-68	1.94	SP-O	Village One	Multifamily	3	No	No	No	No
085-09-05	4.91	SP-O	Village One	Multifamily	4	No	No	No	No
077-08-26	9.80	SP-H	Village One	Multifamily	5	No	No	No	No
085-02-53	9.68	SP-O	Village One	Multifamily	6	No	No	No	No
085-02-34	4.58	SP-H	Village One	Multifamily	7	No	No	No	No
085-02-23	1.08	SP-H	Village One	Multifamily	8	No	No	No	No
085-02-35	5.07	SP-H	Village One	Multifamily	9	No	No	No	No
085-02-30	0.55	SP-H	Village One	Multifamily	10	No	No	No	No
085-13-67	0.56	SP-O	Village One	Multifamily	11	No	No	No	No
085-08-84	1.87	SP-O	Village One	Multifamily	12	No	No	No	No
085-08-83	0.93	SP-O	Village One	Multifamily	13	No	No	No	No
085-08-82	0.47	SP-O	Village One	Multifamily	14	No	No	No	No
085-13-69	0.57	SP-O	Village One	Multifamily	15	No	No	No	No
085-02-28	1.06	SP-H	Village One	Multifamily	16	No	No	No	No
085-02-29	1.00	SP-H	Village One	Multifamily	17	No	No	No	No
085-02-31	0.45	SP-H	Village One	Multifamily	18	No	No	No	No
	59.64	<b>Total Acres</b>							

APN	Acres	Zone	Location	Type	Parcel Count	Located in a Riparian Zone?	Located in a Flood Zone?	Located in the Flood Plain?	Located in a Hazardous Materials site?
082-08-16	11.62	SP-O	Coffee/Claratina	MixedUse	1	No	No	No	No
082-14-01	5.41	SP-O	North Beyer	MixedUse	2	No	No	No	No
082-05-35	9.31	SP-O	North Beyer	MixedUse	3	No	No	No	No
	26.34	<b>Total Acres</b>							

APN	Acres	Zone	Location	Type	Parcel Count	Located in a Riparian Zone?	Located in the Flood Zone?	Located in the Flood Plain?	Located on a Hazardous Materials Site?
107-05-21	0.69	R-1	BDA	Underdeveloped	1	Yes	Yes	No	No
107-06-38	0.53	R-1	BDA	Underdeveloped	2	No	Yes	No	No
112-14-13	1.86	R-1	BDA	Underdeveloped	3	No	No	No	No
067-12-34	0.98	R-1	BDA	Underdeveloped	4	No	No	No	No
067-25-05	1.06	R-1	BDA	Underdeveloped	5	No	No	No	No
067-24-35	4.71	R-1	BDA	Underdeveloped	6	Yes	No	No	No
068-06-44	1.23	R-1	BDA	Underdeveloped	7	No	No	No	No
076-34-07	3.47	R-1	BDA	Underdeveloped	8	No	No	No	No
076-42-07	2.11	R-1	BDA	Underdeveloped	9	No	No	No	No
081-50-94	1.13	R-1	BDA	Underdeveloped	10	No	No	No	No
081-50-92	0.57	R-1	BDA	Underdeveloped	11	No	No	No	No
081-46-03	1.60	R-1	BDA	Underdeveloped	12	No	No	No	No
081-18-69	1.30	R-1	BDA	Underdeveloped	13	No	No	No	No
081-50-03	0.62	R-1	BDA	Underdeveloped	14	No	No	No	No
030-19-29	1.78	R-1	BDA	Underdeveloped	15	No	No	No	No
030-12-02	2.69	R-1	BDA	Underdeveloped	16	No	No	No	No
030-19-35	1.72	R-1	BDA	Underdeveloped	17	No	No	No	No
030-19-30	1.14	R-1	BDA	Underdeveloped	18	No	No	No	No
030-19-33	2.75	R-1	BDA	Underdeveloped	19	No	No	No	No
030-54-29	0.99	R-1	BDA	Underdeveloped	20	No	No	No	No
030-13-53	1.44	R-1	BDA	Underdeveloped	21	No	No	No	No
030-03-07	1.04	R-1	BDA	Underdeveloped	22	No	No	No	No
030-03-06	1.04	R-1	BDA	Underdeveloped	23	No	No	No	No
030-10-24	0.84	R-1	BDA	Underdeveloped	24	No	No	No	No
031-13-30	0.93	R-1	BDA	Underdeveloped	25	No	No	No	No
031-07-29	0.80	R-1	BDA	Underdeveloped	26	No	No	No	No
031-02-50	1.71	R-1	BDA	Underdeveloped	27	No	No	No	No
033-25-07	24.40	R-1	BDA	Underdeveloped	28	Yes	No	No	No
033-90-01	1.04	R-1	BDA	Underdeveloped	29	No	No	No	No
033-22-19	14.55	R-1	BDA	Underdeveloped	30	Yes	No	No	No
033-22-17	3.67	R-1	BDA	Underdeveloped	31	Yes	No	No	No
033-22-10	2.31	R-1	BDA	Underdeveloped	32	Yes	No	No	No
033-91-02	0.99	R-1	BDA	Underdeveloped	33	No	No	No	No
033-22-09	1.97	R-1	BDA	Underdeveloped	34	Yes	No	No	No
033-22-07	1.14	R-1	BDA	Underdeveloped	35	Yes	No	No	No
037-13-18	4.15	R-1	BDA	Underdeveloped	36	No	No	No	No
037-61-03	0.71	R-1	BDA	Underdeveloped	37	No	No	No	No
037-13-03	0.86	R-1	BDA	Underdeveloped	38	No	No	No	No
056-74-54	1.04	R-1	BDA	Underdeveloped	39	No	No	No	No
031-02-08	0.78	R-1	BDA	Underdeveloped	40	No	No	No	No
033-22-06	0.69	R-1	BDA	Underdeveloped	41	Yes	No	No	No
067-25-04	1.11	R-1	BDA	Underdeveloped	42	No	No	No	No
037-13-02	0.53	R-1	BDA	Underdeveloped	43	No	No	No	No
067-08-96	0.33	R-1	BDA	Underdeveloped	44	No	No	No	No
119-18-11	0.64	R-1	BDA	Underdeveloped	45	No	No	No	No
	0.36	R-1	BDA	Underdeveloped	46	No	No	No	No
067-34-05	0.62	R-1	BDA	Underdeveloped	47	Yes	No	No	No

Table A-1  
Page 18

013-32-24	0.42	R-1	BDA	Underdeveloped	48	No	No	No	No
120-52-01	1.31	R-1	BDA	Underdeveloped	49	No	No	No	No
081-25-16	0.96	R-1	BDA	Underdeveloped	50	No	No	No	No
030-03-08	2.02	R-1	BDA	Underdeveloped	51	No	No	No	No
033-68-30	0.83	R-1	Village One	Underdeveloped	52	No	No	No	No
085-01-67	1.37	R-1	Village One	Underdeveloped	53	No	No	No	No
085-41-54	5.42	R-1	Village One	Underdeveloped	54	No	No	No	No
085-41-55	0.99	R-1	Village One	Underdeveloped	55	No	No	No	No
085-01-61	8.53	R-1	Village One	Underdeveloped	56	No	No	No	No
085-01-35	1.53	R-1	Village One	Underdeveloped	57	No	No	No	No
085-01-10	1.89	R-1	Village One	Underdeveloped	58	No	No	No	No
085-01-47	8.40	R-1	Village One	Underdeveloped	59	No	No	No	No
085-01-48	7.15	R-1	Village One	Underdeveloped	60	No	No	No	No
085-01-17	4.64	R-1	Village One	Underdeveloped	61	No	No	No	No
085-01-46	4.11	R-1	Village One	Underdeveloped	62	No	No	No	No
085-02-40	1.02	R-1	Village One	Underdeveloped	63	No	No	No	No
085-01-21	35.87	R-1	Village One	Underdeveloped	64	No	No	No	No
085-33-66	4.27	R-1	Village One	Underdeveloped	65	No	No	No	No
085-18-60	4.38	R-1	Village One	Underdeveloped	66	No	No	No	No
085-02-06	9.21	R-1	Village One	Underdeveloped	67	No	No	No	No
085-02-54	9.37	R-1	Village One	Underdeveloped	68	No	No	No	No
085-07-16	16.77	R-1	Village One	Underdeveloped	69	No	No	No	No
085-07-09	12.85	R-1	Village One	Underdeveloped	70	No	No	No	No
085-07-12	1.43	R-1	Village One	Underdeveloped	71	No	No	No	No
085-34-80	1.03	R-1	Village One	Underdeveloped	72	No	No	No	No
085-04-05	2.97	R-1	Village One	Underdeveloped	73	No	No	No	No
	251.31	<b>R-1 Total</b>							
030-56-04	1.02	R-2	BDA	Underdeveloped	1	No	No	No	No
030-56-02	2.18	R-2	BDA	Underdeveloped	2	No	No	No	No
037-29-35	0.91	R-2	BDA	Underdeveloped	3	No	No	No	No
037-29-26	0.88	R-2	BDA	Underdeveloped	4	No	No	No	No
037-29-08	0.89	R-2	BDA	Underdeveloped	5	No	No	No	No
031-02-02	0.58	R-2	BDA	Underdeveloped	6	No	No	No	No
030-08-10	1.44	R-2	BDA	Underdeveloped	7	No	No	No	No
	7.90	<b>R-2 Total</b>							
030-56-03	1.88	R-3	BDA	Underdeveloped	1	No	No	No	No
031-01-11	0.92	R-3	BDA	Underdeveloped	2	No	No	No	No
032-18-07	1.84	R-3	BDA	Underdeveloped	3	No	No	No	No
112-45-30	0.77	R-3	BDA	Underdeveloped	4	No	No	No	No
	5.41	<b>R-3 Total</b>						13.31	
	264.62	<b>Grand Total</b>							

Growth Area	APN	Acres	Located in a Riparian Zone?	Located in a Flood Zone?	Located in the Flood Plain?	Located near a Hazardous Materials Site?
Waterman/Luchessa	046-007-021	44.09	No	No	No	No
Waterman/Luchessa	046-007-037	35.30	No	No	No	No
<b>Waterman/Luchessa</b>	<b>Subtotals</b>	<b>79.39</b>				
Johansen/Empire	133-001-015	5.91	No	No	No	No
Johansen/Empire	133-001-028	10.65	No	No	No	No
Johansen/Empire	133-001-029	7.69	No	No	No	No
Johansen/Empire	133-001-017	4.68	No	No	No	No
Johansen/Empire	133-001-026	0.22	No	No	No	No
Johansen/Empire	133-001-027	2.13	No	No	No	No
Johansen/Empire	133-001-022	0.40	No	No	No	No
Johansen/Empire	133-001-019	0.47	No	No	No	No
Johansen/Empire	Pending	4.44	No	No	No	No
Johansen/Empire	Pending	2.57	No	No	No	No
Johansen/Empire	Pending	2.21	No	No	No	No
Johansen/Empire	009-001-011	57.58	No	No	No	No
Johansen/Empire	009-004-001	76.51	No	No	No	No
Johansen/Empire	009-004-020	13.57	No	No	No	No
Johansen/Empire	009-004-018	1.01	No	No	No	No
Johansen/Empire	009-001-012	1.26	No	No	No	No
Johansen/Empire	009-004-019	0.65	No	No	No	No
Johansen/Empire	009-001-002	25.64	No	No	No	No
Johansen/Empire	009-001-025	27.45	No	No	No	No
Johansen/Empire	009-001-003	14.60	No	No	No	No
Johansen/Empire	009-001-004	8.43	No	No	No	No
Johansen/Empire	009-002-018	45.59	No	No	No	No
Johansen/Empire	009-002-011	1.55	No	No	No	No
Johansen/Empire	009-002-017	9.27	No	No	No	No
Johansen/Empire	009-002-007	9.61	No	No	No	No
Johansen/Empire	009-002-005	7.83	No	No	No	No
Johansen/Empire	009-002-001	4.19	No	No	No	No
Johansen/Empire	009-002-004	4.59	No	No	No	No
Johansen/Empire	009-002-002	0.14	No	No	No	No
Johansen/Empire	009-002-003	0.14	No	No	No	No
Johansen/Empire	009-002-016	0.58	No	No	No	No
Johansen/Empire	009-002-015	0.46	No	No	No	No
Johansen/Empire	009-002-006	2.19	No	No	No	No
Johansen/Empire	009-002-014	0.48	No	No	No	No
Johansen/Empire	009-002-013	0.64	No	No	No	No
Johansen/Empire	014-038-008	26.23	Yes	No	No	No
Johansen/Empire	014-038-007	69.01	Yes	No	No	No
Johansen/Empire	014-037-010	17.29	Yes	No	No	No
Johansen/Empire	014-037-032	10.51	Yes	No	No	No
Johansen/Empire	014-037-035	0.93	Yes	No	No	No
Johansen/Empire	014-037-040	1.37	Yes	No	No	No
Johansen/Empire	014-037-041	1.17	Yes	No	No	No
Johansen/Empire	014-037-036	1.08	Yes	No	No	No

Table A-1  
Page 20

Johansen/Empire	014-037-064	2.25	Yes	No	No	No
Johansen/Empire	014-037-065	2.22	Yes	No	No	No
Johansen/Empire	014-037-056	11.76	Yes	No	No	No
Johansen/Empire	014-037-052	15.82	No	No	No	No
Johansen/Empire	014-037-060	30.43	Yes	No	No	No
Johansen/Empire	014-037-053	1.40	No	No	No	No
Johansen/Empire	014-038-005	45.27	No	No	No	No
Johansen/Empire	014-037-057	6.45	Yes	No	No	No
Johansen/Empire	014-037-028	1.16	No	No	No	No
Johansen/Empire	014-037-062	10.39	Yes	No	No	No
Johansen/Empire	014-037-029	1.19	No	No	No	No
Johansen/Empire	014-037-063	7.46	Yes	No	No	No
Johansen/Empire	014-037-012	15.92	No	No	No	No
Johansen/Empire	014-037-039	2.67	No	No	No	No
Johansen/Empire	014-037-015	1.22	No	No	No	No
Johansen/Empire	014-037-042	0.76	No	No	No	No
Johansen/Empire	014-037-043	0.32	No	No	No	No
Johansen/Empire	014-037-013	1.95	No	No	No	No
<b>Johansen/Empire</b>	<b>Subtotal</b>	<b>641.56</b>				
Fairview Village	056-026-001	0.63	Yes	No	No	No
Fairview Village	056-027-009	59.24	No	No	No	No
Fairview Village	056-028-010	24.87	No	No	No	No
Fairview Village	056-028-014	41.62	No	No	No	No
Fairview Village	056-028-012	25.87	No	No	No	No
Fairview Village	056-028-013	1.40	No	No	No	No
<b>Fairview Village</b>	<b>Subtotal</b>	<b>153.63</b>				
Roselle/Claribel SP	083-003-012	20.99	No	No	No	No
Roselle/Claribel SP	083-003-005	39.21	No	No	No	No
Roselle/Claribel SP	083-003-004	39.37	No	No	No	No
Roselle/Claribel SP	083-003-003	79.09	No	No	No	No
Roselle/Claribel SP	083-004-076	19.75	No	No	No	No
Roselle/Claribel SP	083-004-082	1.20	No	No	No	No
Roselle/Claribel SP	083-004-081	1.26	No	No	No	No
Roselle/Claribel SP	083-004-080	16.64	No	No	No	No
Roselle/Claribel SP	083-004-065	36.34	No	No	No	No
Roselle/Claribel SP	083-004-066	0.55	No	No	No	No
Roselle/Claribel SP	083-004-039	0.50	No	No	No	No
Roselle/Claribel SP	083-004-040	0.51	No	No	No	No
Roselle/Claribel SP	083-004-062	1.83	No	No	No	No
Roselle/Claribel SP	083-004-055	1.27	No	No	No	No
Roselle/Claribel SP	083-004-041	2.34	No	No	No	No
Roselle/Claribel SP	083-004-056	1.26	No	No	No	No
Roselle/Claribel SP	083-004-054	1.25	No	No	No	No
Roselle/Claribel SP	083-004-052	1.25	No	No	No	No
Roselle/Claribel SP	083-004-057	20.19	No	No	No	No
Roselle/Claribel SP	083-004-050	10.07	No	No	No	No
Roselle/Claribel SP	083-004-083	10.28	No	No	No	No
Roselle/Claribel SP	083-004-058	9.90	No	No	No	No
Roselle/Claribel SP	083-004-047	10.30	No	No	No	No
Roselle/Claribel SP	083-004-084	4.97	No	No	No	No

Table A-1  
Page 21

Roselle/Claribel SP	083-004-078	2.71	No	No	No	No
Roselle/Claribel SP	083-004-079	1.79	No	No	No	No
Roselle/Claribel SP	083-004-013	19.41	No	No	No	No
Roselle/Claribel SP	083-004-063	4.81	No	No	No	No
Roselle/Claribel SP	083-004-023	3.16	No	No	No	No
Roselle/Claribel SP	083-004-048	17.46	No	No	No	No
Roselle/Claribel SP	083-004-068	36.51	No	No	No	No
Roselle/Claribel SP	083-001-001	0.28	No	No	No	No
Roselle/Claribel SP	083-001-002	0.38	No	No	No	No
Roselle/Claribel SP	083-004-060	4.66	No	No	No	No
Roselle/Claribel SP	083-004-059	4.52	No	No	No	No
Roselle/Claribel SP	083-001-003	0.26	No	No	No	No
Roselle/Claribel SP	083-001-004	0.27	No	No	No	No
Roselle/Claribel SP	083-001-024	0.27	No	No	No	No
Roselle/Claribel SP	083-001-005	0.27	No	No	No	No
Roselle/Claribel SP	083-001-023	0.28	No	No	No	No
Roselle/Claribel SP	083-004-044	4.75	No	No	No	No
Roselle/Claribel SP	083-004-043	4.80	No	No	No	No
Roselle/Claribel SP	083-001-006	0.27	No	No	No	No
Roselle/Claribel SP	083-001-022	0.28	No	No	No	No
Roselle/Claribel SP	083-001-007	0.27	No	No	No	No
Roselle/Claribel SP	083-001-021	0.28	No	No	No	No
Roselle/Claribel SP	083-001-008	0.27	No	No	No	No
Roselle/Claribel SP	083-001-020	0.27	No	No	No	No
Roselle/Claribel SP	083-005-020	0.24	No	No	No	No
Roselle/Claribel SP	083-005-019	2.88	No	No	No	No
Roselle/Claribel SP	083-005-016	9.71	No	No	No	No
Roselle/Claribel SP	083-001-009	0.27	No	No	No	No
Roselle/Claribel SP	083-004-072	2.94	No	No	No	No
Roselle/Claribel SP	083-005-008	0.32	No	No	No	No
Roselle/Claribel SP	083-005-024	0.34	No	No	No	No
Roselle/Claribel SP	083-001-019	0.27	No	No	No	No
Roselle/Claribel SP	083-004-008	9.26	No	No	No	No
Roselle/Claribel SP	083-005-007	0.33	No	No	No	No
Roselle/Claribel SP	083-005-023	0.29	No	No	No	No
Roselle/Claribel SP	083-001-010	0.27	No	No	No	No
Roselle/Claribel SP	083-001-018	0.27	No	No	No	No
Roselle/Claribel SP	083-004-064	1.75	No	No	No	No
Roselle/Claribel SP	083-005-006	0.24	No	No	No	No
Roselle/Claribel SP	083-005-011	0.24	No	No	No	No
Roselle/Claribel SP	083-004-071	2.95	No	No	No	No
Roselle/Claribel SP	083-001-017	0.27	No	No	No	No
Roselle/Claribel SP	083-001-011	0.26	No	No	No	No
Roselle/Claribel SP	083-005-005	0.25	No	No	No	No
Roselle/Claribel SP	083-005-012	0.24	No	No	No	No
Roselle/Claribel SP	083-001-016	0.33	No	No	No	No
Roselle/Claribel SP	083-005-004	0.25	No	No	No	No
Roselle/Claribel SP	083-005-013	0.24	No	No	No	No
Roselle/Claribel SP	083-001-012	0.26	No	No	No	No
Roselle/Claribel SP	083-004-031	0.87	No	No	No	No
Roselle/Claribel SP	083-005-002	0.37	No	No	No	No
Roselle/Claribel SP	083-005-003	0.49	No	No	No	No

Table A-1  
Page 22

Roselle/Claribel SP	083-005-022	0.18	No	No	No	No
Roselle/Claribel SP	083-005-015	0.31	No	No	No	No
Roselle/Claribel SP	083-004-070	1.72	No	No	No	No
Roselle/Claribel SP	083-004-073	1.40	No	No	No	No
Roselle/Claribel SP	083-004-037	0.77	No	No	No	No
Roselle/Claribel SP	083-001-026	0.23	No	No	No	No
Roselle/Claribel SP	083-001-029	0.23	No	No	No	No
Roselle/Claribel SP	083-004-067	0.69	No	No	No	No
Roselle/Claribel SP	083-005-021	0.29	No	No	No	No
Roselle/Claribel SP	083-001-028	0.25	No	No	No	No
Roselle/Claribel SP	083-001-027	0.25	No	No	No	No
<b>Roselle/Claribel SP</b>	<b>Subtotal</b>	<b>481.27</b>				

Table A-2

**Measure M Area Development Assumptions**

Comprehensive Planning District	Measure M Approved Area	Column A	Column B	Column C	Column D	Column E	Column F
	Growth areas pending annexation	Total Gross Acreage of Measure M Area	Non residential uses (10% of Col. A)	Roads (25% of subtotal of A - B)	Net Residential Acreage (A - B - C)	Multi-family Acreage 15% of D	Single Family Acreage 85% of D
Roselle/Claribel	Roselle Claribel Specific Plan Area	480	48	108	324	49	275
Fairview	Fairview Village Specific Plan	119	12	27	80	12	68
Kiernan/Carver	Waterman/Luchessa Properties	80	8	18	54	8	46
Johansen	Johansen	501	50	113	338	51	287
Empire North	Empire North Unit #2 area	141	14	32	95	14	81
	<b>Totals</b>	<b>1,321</b>	<b>132</b>	<b>298</b>	<b>881</b>	<b>134</b>	<b>757</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-234**

**A RESOLUTION CERTIFYING THAT THE INITIAL STUDY ENVIRONMENTAL ASSESSMENT NO. EA 2003-54 FOR THE PROPOSED GENERAL PLAN AMENDMENT FOR THE HOUSING ELEMENT UPDATE IS WITHIN THE SCOPE OF THE GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 199908041) (CITY OF MODESTO)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto recertified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

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

WHEREAS, the City's Community and Economic Development Department prepared an Initial Study, Environmental Assessment No. 2003-54, on the Housing Element Update, in accordance with the California Environmental Quality Act and determined that this project is within the scope of the City Modesto Master EIR (State Clearinghouse No. 199908041) approved earlier, and the Master EIR adequately describes the activity for the purposes of CEQA, and

WHEREAS, the Initial Study EA/C&ED 2003-54, was considered by the Planning Commission at a duly noticed public hearing which was held on February 18, 2004, at 7:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, and

WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2004-08, recommending to the City Council certification of the Initial Study as described in Exhibit A, attached hereto and incorporated herein by reference, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 9, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Housing Element Update, and

WHEREAS, said public hearing held on March 9, 2004, was opened, comments received, and said public hearing was continued to April 27, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines the following:

- A. The proposed amendment to the Modesto Urban Area General Plan, as it pertains to the City's Housing Element, is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 1999082041).
- B. The proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document, nor findings shall be required pursuant to Section 21081 of the California Environmental Quality Act (per section 21157.1).

- D. There are no specific features unique to the proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply Citywide as appropriate.
- E. The Initial Study, Environmental Assessment No. EA/C&ED 2003-54 provides the substantial evidence to support findings "A, B, C, and D" above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn, O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)  
APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

**INITIAL STUDY  
ENVIRONMENTAL ASSESSMENT  
NO. EA 2003-54**

# City of Modesto Initial Study

## General Plan Amendment: Update of the City of Modesto Housing Element (2003-2008)

EA NO. C&ED 2003-54

### I. PURPOSE:

Finding of Conformance under the City of Modesto Final Master Environmental Impact Report for the Urban Area General Plan.

The City of Modesto Final Master Environmental Impact Report (MEIR) for the Urban Area General Plan allows for environmental review of proposals within the City's general plan area. The City of Modesto Draft Housing Element (2003-2008) addresses areas located entirely within the City's General Plan boundary. The MEIR contains a detailed analysis and a comprehensive program of mitigation measures to address development impacts within the Modesto General Plan Area. The MEIR was first certified on August 15, 1995 (SCH #92052017), in conjunction with the adoption of the Modesto Urban Area General Plan. On March 4, 2003, the City Council certified the MEIR Update (SCH #1999082041).

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not identified in the Final Master EIR (MEIR) for the General Plan and whether any new or additional mitigation measures or alternatives may be required. This Initial Study also provides documentation on whether the project is considered in the Master EIR as being within the scope of the General Plan analyzed by the Master EIR.

### II. PROJECT DESCRIPTION:

- A. Project Title:  
General Plan Amendment: Update of the City of Modesto Housing Element (2003-2008).
- B. Lead Agency Name and Address:  
City of Modesto, Community & Economic Development Department, P.O. Box 642 Modesto, CA 95353
- C. Contact Person, Address and Phone Number:  
Patrick Kelly, Suite 3300, 1010 Tenth Street, Modesto, CA 95353  
(209) 577-5268

- D. Project Location:  
The Modesto Urban Area General Plan Boundary area.
- E. Project Sponsor, Address and Phone Number:  
City of Modesto, P.O. Box 624, Modesto, CA 95353 (209) 577-5268.
- F. Modesto General Plan Designation:  
The Land Use Diagram of Modesto Urban Area General Plan.
- G. Zoning:  
All of the zoning as depicted on the City of Modesto Zoning Map.
- H. Description of Proposed Project:

The project consists of a proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element. The State of California (Government Code Section 65580) requires each local jurisdiction to update their respective housing policy. The proposed Housing Element is attached as **Exhibit A**. It will supersede the existing housing goals, policies and implementation programs included in the 1995 Urban Area General Plan.

The proposal implements the Urban Area General Plan as it contains housing goals, policies and implementation programs. The proposed Housing Element Update does not propose specific construction development projects, instead it serves as a policy guide to direct the type of residential development.

The 2003-2008 Housing Element contains an implementation program (see Exhibit A, Section 6) that requires the City to subsequently consider amendments to the City of Modesto Zoning Ordinance and the City's Land Use Diagram. These possible amendments are of a minor nature and would not rise to the level of a significant revision to the City's General Plan Land Use Designations that were analyzed by the Master EIR. These proposed subsequent actions will be considered by the Planning Commission and the City Council after adoption of the Housing Element. As subsequent and separate proposals, additional environmental assessment(s) will be prepared pursuant to Section 21157.1 and will be considered by the Planning Commission and City Council, which will determine whether they are "within the scope of the Master EIR."

- I. Surrounding Land Uses:  
Unincorporated County.
- J. Other Public Agencies Whose Approval is Required:  
The State of California Housing and Community Development Department (HCD).

II. **ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:**

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

**A. Traffic and Circulation**

While it is widely acknowledged that housing is a traffic generator, the Housing Element, as a policy document, will not directly create an adverse affect on the City's circulation and transportation system.

The proposed Housing Element Update would not cause additional significant increase in traffic and circulation impacts, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area. Capital Facilities Fees collected at the time of actual housing development will contribute to public facility improvements necessary to accommodate additional housing. The Housing Element does not propose any significant changes to the total gross acreage, infrastructure, land use designations, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the roadway or intersection capacity of the City's circulation system beyond what was identified in the MEIR. Therefore, any potential adverse impacts on traffic and circulation were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are still valid at this time.

**B. Degradation of Air Quality**

The proposed Housing Element update would not cause additional degradation of air quality, not already identified in the MEIR. The Housing Element provides for housing goals, policies and implementation programs that guide the type of housing anticipated to be developed or rehabilitated within the City's General Plan Area.

The Housing Element does not propose any significant changes to the infrastructure, land use designations or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the air quality of the City beyond what was identified in the MEIR. Therefore, any potential adverse impacts on air quality were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid at this time.

**C. Generation of Noise**

The proposed Housing Element update would not cause additional generation of noise, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed or rehabilitated within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect noise levels in the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts for generation of noise were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

**D. Loss of Productive Agricultural Land**

The proposed Housing Element update would not cause additional effects on the loss of productive agricultural lands, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect agricultural lands within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on agricultural lands were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) are still valid.

**E. Increased Demand for Long-Term Water Supplies**

The proposed Housing Element update would not cause additional increased demand for long-term water supplies, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect water supplies within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on agricultural lands were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13 are, therefore, still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed Housing Element update would not cause additional increased demand for sanitary services, not already identified in the MEIR. The Housing

Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect sanitary sewer services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on sanitary sewer services were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The proposed Housing Element update would not cause additional increased disturbance of wildlife and plant habitat areas, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect wildlife and plant habitat areas within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in the MEIR for Sensitive Wildlife and Plant Habitat, (pages V-7-1 through V-7-29) are, therefore, still valid.

**H. Disturbance of Archaeological and Historic Sites**

The proposed Housing Element update would not cause additional disturbance of archaeological and historic sites, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect archaeological and historic sites within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on disturbance of archaeological and historic sites were analyzed and mitigation provided by the GPMEIR. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

**I. Drainage, Flooding and Water Quality**

The proposed Housing Element update would not change the size or configuration of drainage, flooding and water quality facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect flooding and water quality services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on drainage, flooding and water quality were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages V-10-1 through V-10-16) are, therefore, still valid.

**J. Increased Demand for Storm Drainage**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for storm drainage facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect storm drainage services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for storm drainage were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are, therefore, still valid.

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

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for parks or open space facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect parks

and open space facilities within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for parks and open space facilities were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore still valid.

**L. Increased Demand for Schools**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for school facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect school facilities within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for school facilities were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are, therefore, still valid.

**M. Increased Demand for Police Services**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for police services, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that affect the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect police services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for police services were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

**N. Increased Demand for Fire Services**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for fire protection services, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect fire services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for fire protection services were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through IV-14-9) are, therefore, still valid.

**O. Generation of Solid Waste**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of solid waste or related facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect solid waste facilities within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on solid waste facilities were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

**P. Generation of Hazardous Materials**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of hazardous materials, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect of the anticipated increases in hazardous materials within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on generation of hazardous materials were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

**Q. Landslides and Seismic Activity**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in increased exposure to landslides and seismic activity, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect of the anticipated increases in increased exposure to landslides and seismic activity within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on exposure to landslides and seismic activity were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

**R. Energy**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in demand for energy, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.


The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect of the anticipated increases in increased demand for energy within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on demand for energy were analyzed and mitigation provided by the GPMEIR.

Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

**IV CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed amendment to the Modesto Urban Area General Plan, as it pertains to the City's Housing Element, is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 1999082041).
- B. The proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document, nor findings shall be required pursuant to Section 21081 of the California Environmental Quality Act (per section 21157.1).
- D. There are no specific features unique to the proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide as appropriate.
- E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: \_\_\_\_\_



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-235**

**A RESOLUTION VACATING AND ABANDONING BRET HARTE PLACE  
STREET RIGHT-OF-WAY BETWEEN GUTHERIE STREET AND FRAZIER  
STREET (MODESTO CITY SCHOOLS)**

WHEREAS, Modesto City Schools has filed an application to vacate and abandon Bret Harte Place street right-of-way between Gutherie Street and Frazier Street, and

WHEREAS, a title report was submitted by the applicant with the abandonment request which vests fee title to the street right-of-way in the adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed abandonment has been referred to affected City departments and local utility companies, and no objection to the proposed abandonment has been received, and

WHEREAS, Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate and abandon public rights-of-way, and

WHEREAS, Government Code Section 65402 requires that prior to abandoning a public right-of-way, the Planning Commission shall make a determination as to whether the abandonment is consistent with the General Plan, and

WHEREAS, the Planning Commission considered the proposed abandonment on March 15, 2004, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered regarding the proposed vacation and abandonment, and

WHEREAS, by Planning Commission Resolution No. 2004-14, the Planning Commission determined that the proposed vacation and abandonment is consistent with the City's General Plan, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, April 27, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time all persons interested in or objecting to the proposed abandonment were afforded the opportunity to appear, and

WHEREAS, notices were posted in the proposed street right-of-way abandonment area for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per Streets & Highways Code Sections 8323 and 8332 respectively, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highways Code, Section 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate and abandon the subject walkway have been done and accomplished, and

WHEREAS, on April 27, 2004, the Council of the City of Modesto reviewed the Initial Study (EA/C&ED 2003-89) for the proposed street right-of-way abandonment and adopted Resolution No. 2004-236 , which determined that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. That the street right-of-way to be abandoned is unnecessary for present or future pedestrian or vehicular use.
2. That Environmental Assessment No. EA C&ED 2003-89 judged this project to be within the scope of the General Plan Master EIR.
3. That the vacation and abandonment of Bret Harte Place street right-of-way between Gutherie and Frazier Streets is in conformance with the City of Modesto's General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of Bret Harte Place street right-of-way between Gutherie Street and Frazier Street. Said street right-of-way to be vacated and abandoned is more particularly described in **Exhibit "A"** attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Jackman, Keating, Marsh, Mayor Ridenour
NOES:	Councilmembers	None
ABSENT:	Councilmembers	Hawn, O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Exhibit "A"

19. 3, 19. (F) -  
SET TAG U.S. 3122

N 29°10'17" E  
20.67'(M,E)

S 89°47'12" E 346.58'(M,E)

N 29°10'17" E  
46.76'(M,E)

NEW PROPERTY LINE

BLOCK

BRET HARTE  
ELEMENTARY SCHOOL

626.68'(M,E)

S 01°46'37" E

T.I.D. RIGHT OF WAY  
INST. NO. 94-0022871-00

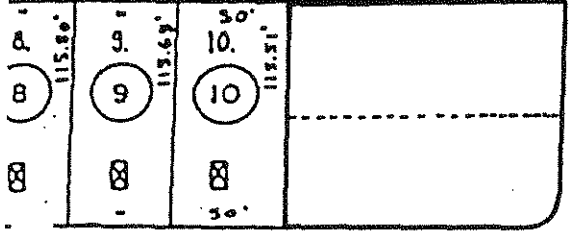
**CITY OF MODESTO  
PUBLIC AREA TO  
BE ABANDONED**

CITY LIMITS  
LINE

16.83'(M,E)

A V E

9812

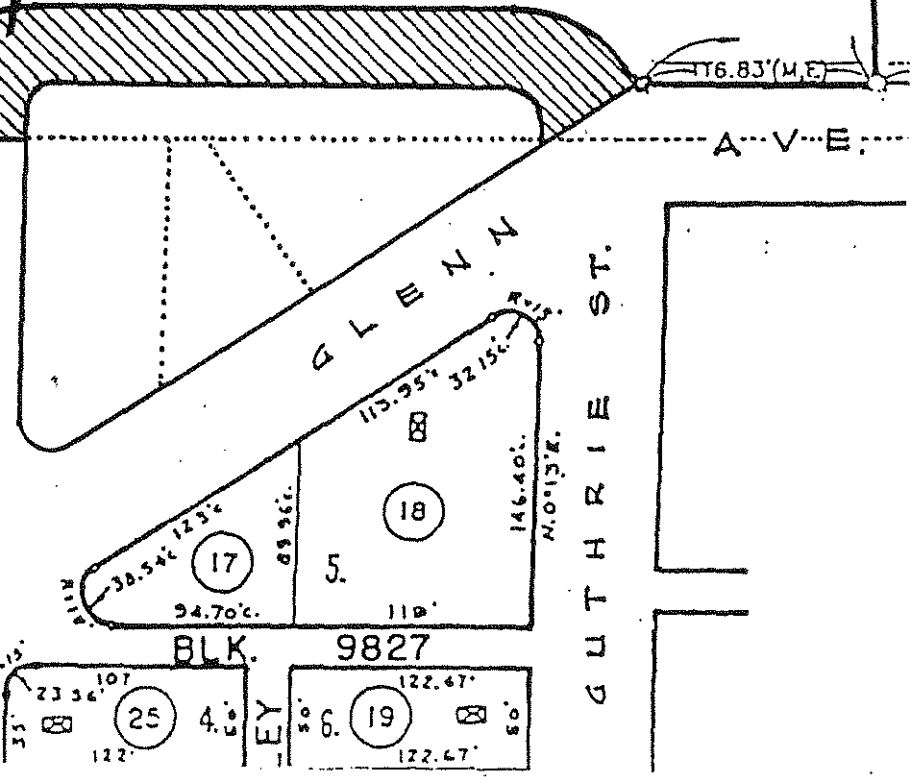


GLENN AVE.

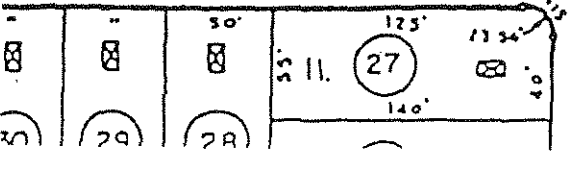
FRAZIER ST.

GLENN

GUTHRIE ST.



BLK. 9827



SCALE: 1" = 100'

PROPOSED ABANDONMENT  
OF  
BRET HARTE PLACE

DESCRIPTION

All that certain real property situate in portion of the northwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, in the County of Stanislaus, State of California, described as follows:

Beginning at the northwest corner of Lot 1, Block 9828 of the Rutherford Tract, filed for record in Volume 16 of Maps, Page 37, Stanislaus County Records, on the east line of 60 foot wide Frazier Street; thence North 89°10' West 60.00 feet to the northeast corner of Lot 13, of Block 9812 of said Rutherford Tract, being a point on a non-tangent curve, to which a radial line bears North 89°10' West from the center; thence northeasterly 102.10 feet, along said non-tangent curve and the northwesterly line of Bret Harte Place, said curve being concave to the southeast, having a radius of 65.00 feet and a central angle of 90°00'; thence South 89°10' East, along the north line of said Bret Harte Place, a distance of 242.75 feet to point on a tangent curve; thence southeasterly 63.52 feet, along said tangent curve and northeasterly line of said Bret Harte Place, said curve being concave to the southwest, having a radius of 65.00 feet and a control angle of 55°59'32", to a point of reverse curve; thence southeasterly 14.09 feet, along said reverse curve and northeasterly line of Bret Harte Place, said curve being concave to the northeast, having a radius of 14.42 feet and a central angle of 55°59'32"; thence South 60°38' West 59.64 feet to a point on a non-tangent curve to which a radial line which bears South 89°10' East from the center; thence northwesterly 39.27 feet, along said non-tangent curve and southerly line of said Bret Harte Place, said non-tangent curve being concave to the southwest, having a radius of 25.00 feet and a central angle of 90° to a tangent line; thence North 89°10' West along said tangent line and said southerly line of Bret Harte Place a distance of 222.04 feet, to a tangent curve; thence southwesterly 23.56 feet, along said tangent curve and said southerly line of Bret Harte Place, said curve being concave to the southeast, having a radius of 15.00 feet and a central angle of 90°00'; thence South 0°50' West 10.00 feet to the point of beginning.

Containing 15,380 SF; 0.353 AC.



*Richard L. Fulz*  
2-19-2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-236**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): VACATION AND ABANDONMENT OF BRET HARTE PLACE STREET RIGHT-OF-WAY BETWEEN GUTHERIE STREET AND FRAZIER STREET. (OWNER: MODESTO CITY SCHOOLS)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the updated Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Modesto City Schools have proposed that the Bret Harte Place street right-of-way between Gutherie Street and Frazier Street be vacated and abandoned (the "Project"), and

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

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2003-89 ("Initial Study") reviewed the proposed Project to determine whether the Project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or

additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines, beginning on January 30, 2004, the City caused to be published a 20-day notice of the City's intent to make a finding that the proposed Project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 27, 2004, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Project, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference. Based on the substantial evidence included in said Initial Study, Council hereby makes the following findings:

1. That the proposed vacation and abandonment of Bret Harte Place is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.
2. That the proposed Project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the Project.
6. The Initial Study, EA/C&ED No. 2003-89, provides substantial evidence to support findings 1 through 5, above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hawn, O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT A**  
**Initial Study**  
**EA/C&ED 2003-89**

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. C&ED No. 2003-89**

**For the proposed:**

**Bret Harte Elementary School Expansion and Modernization  
Project (Modesto City Schools, Applicant)**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**December 10, 2003**

# City of Modesto

## Master EIR Initial Study Checklist

### I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the **Bret Harte Elementary School Expansion and Modernization Project** is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. No new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City's MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

### II. PROJECT DESCRIPTION

- A. Title: Bret Harte Elementary School Expansion and Modernization Project
- B. Address or Location: 909 Bret Harte Place (North side of Glenn Avenue, west of Guthrie Street) Modesto, California, 95351.
- C. Applicant: Modesto City Schools  
426 Locust Street  
Modesto, California, 95351-2699
- D. Application Contact Person: Becky Meredith, Director of Planning and Research

City Project Manager: Miguel A. Galvez, Associate Planner  
Department: Community & Economic Development Department  
Phone Number: (209) 577-5276  
E-mail address: [mgalvez@modestogov.com](mailto:mgalvez@modestogov.com)

- E. Current General Plan Designation(s): R: Residential
- F. Current Zoning Classification(s): Not Applicable, (presently unincorporated).
- G. Surrounding Land Uses: North: Existing Bret Harte Elementary School  
South, East & West: Developed single-family residences  
in the unincorporated area of Stanislaus County.
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Modesto City Schools proposes to expand and modernize Bret Harte Elementary School located at 909 Bret Harte Place, Modesto, California, refer to Exhibit A. This School presently serves over 1,000 students in grades, Kindergarten through Sixth grade, on a seven-acre school site. The school presently qualifies as a "Critically Overcrowded School.

The Bret Harte Elementary School expansion and modernization project involves adding to and reconfiguring the onsite parking and circulation area, adding and renovating structures on the school campus, refer to Exhibit B. To facilitate this expansion, the School District proposes to annex five adjoining school acquired properties, along with adjacent street and alley rights-of-way located south of the school site to the City of Modesto, refer to Exhibit C. The School District also proposes to prezone this subject area to P-R-1 (Low Density Residential), refer to Exhibit D. Two additional applications are also proposed and will be considered subsequently by the City of Modesto. One application proposes to abandon Bret Harte Place street right-of-way, a portion of Frazier Street right-of-way, and adjacent alley right-of way, refer to Exhibit E. The other subsequent application is a Tentative Parcel Map proposing to merge the School acquired lots along with the proposed abandoned rights-of-way, refer to Exhibit F. Exhibits A through F are attached at the end of this document.

- I. Other Public Agencies Whose Approval is Required:

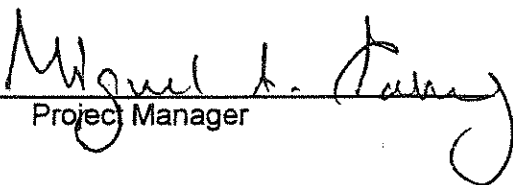
State of California Division of State Architect  
Local Agency Formation Commission  
San Joaquin Valley Air Pollution Control District

### III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

- 1. X **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.

- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
  - D. Based on the Initial Study, the City of Modesto finds and determines:
    - a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
    - b) No new or additional mitigation measures or alternatives are required.
  - E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.
2.      **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:
- A. The type of project is described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.
3.      **Focused EIR Required**- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:
- A. The type of project is described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

  
 \_\_\_\_\_  
 Project Manager

ASSOCIATE  
 PLANNER  
 \_\_\_\_\_  
 Title

12/10/2003  
 \_\_\_\_\_  
 Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

#### Discussion:

- (1) The City of Modesto is the lead agency for processing the requested land use entitlements (i.e.: rezoning, annexation, parcel map and abandonment applications). Modesto City Schools is the Lead Agency for the expansion and modernization of the Bret Harte Elementary school site.
- (2) The subject project proposes improvements to an existing developed site located within the Baseline Developed Area. The subject area includes five parcels, which each contained a single-family home. All appropriate City General Plan development policies will be continue to be in effect and appropriate mitigation measures will be applied.
- (3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have resulted in less restrictive regulations.
- (4) The subject site involves five residential lots. After the application proposals were referred to Trustee Agencies, no significant resources are identified in this proposal
- (5) The subject area is located within the Modesto Urban Area General Plan in the Baseline Developed Area, refer to **Exhibit G**, all appropriate mitigation measures as listed in the Master EIR are incorporated into the project.

- (6) A Global list of General Plan Policies and Mitigation Measures was reviewed (which is attached to the initial study) and appropriate Mitigation Measures will be required as part of the project's approval.

### 5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

- |  | YES                        | NO                       |
|--|----------------------------|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.   | X <input type="checkbox"/> | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings (3, 4, 5, below). | X <input type="checkbox"/> | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.   | X <input type="checkbox"/> | <input type="checkbox"/> |
| (4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.  | X <input type="checkbox"/> | <input type="checkbox"/> |
| (5) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.  | X <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

No discussion is necessary.

### IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 build out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

## **1. TRAFFIC AND CIRCULATION**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### **c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. | <input type="checkbox"/> | X  |

Where a project exceeds an additional 100 ADT contribution, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO |
|--|--------------------------|----|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | X  |
| (3) Result in inadequate emergency access.   | <input type="checkbox"/> | X  |
| (4) Result in inadequate parking capacity.   | <input type="checkbox"/> | X  |

Discussion:

- (1) The project was referred to the Engineering and Transportation Department and the Transportation Division staff did not cite the need for a site access study.
- (2) The project was referred to the Engineering and Transportation Department and the Transportation Division commented that City's Standards Specifications require that the Glenn Avenue be dedicated and improved to full City Street Standards.

The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.

All proposed fence and wall heights shall adhere to the City's Clear Vision Triangle requirements.

- (3) The project was referred to the City of Modesto Police and Fire Department as well as to the City of Modesto Engineering and Transportation Department. The City Fire Marshal cited the following California Fire Code requirements:

- a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
  - b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
  - c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with an approved turnaround.
- (4) The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.

## 2. AIR QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

Mitigation measure Air-1 from the MEIR is required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards. In addition, the San Joaquin Valley Air Pollution Control District commented: "Because the project site contains a building needing renovation/demolition, the applicant will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is the asbestos. To ascertain whether this project is subject to the NESHAPS, the project applicant is advised to review the Asbestos – Compliance Assistance Bulletin, dated December 1994.

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines. | <input type="checkbox"/> | X  |
| (2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.   | <input type="checkbox"/> | X  |
| (3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (4) The project would expose sensitive receptors to substantial pollutant concentrations.  | <input type="checkbox"/> | X  |
| (5) The project would create objectionable odors affecting a substantial number of people.   | <input type="checkbox"/> | X  |

Discussion:

- (1) The project was referred to the San Joaquin Valley Air Pollution Control District and it commented that the project appears to have a less-than significant impact on the ambient air quality. It commented that the Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).
- (2-3) See discussion under 1 above.
- (4) The project consists of expanding an existing elementary school and renovating some of the existing structures. The entitlement applications of rezoning, annexation, right-of-way abandonment, and a parcel map do not change or affect the quality of air in the area.
- (5) The project does not involve manufacturing or food processing – it is a minor expansion and improvement of an existing school site.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.   | <input type="checkbox"/> | X  |
| (2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?             | <input type="checkbox"/> | X  |
| (4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project involves an existing school site that operates between 7:00 am and 5:00 pm, within Modesto Noise Ordinance time limits. The project does not change the hours of operation.
- (2) School operations generate mild levels of noise during normal business hours from children playing on the field s or in the playground. The existing school will not generate

higher levels of noise that are presently generated at the school site during regular hours of operation.

- (3) See discussion above.
- (4) To reduce temporary impacts on noise during construction, construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

#### 4. AGRICULTURAL LANDS

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

##### b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

##### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

##### c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  X
- (2) The project will directly result in the development of land outside the March 2003 planning area boundaries.  X
- (3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.  X
- (4) The project will Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.  X

Discussion:

- (1) The Modesto Urban Area General Plan designates the site as R, Residential. Schools are permitted in this land use designation, thus the project is consistent with the General Plan.
- (2) The project involves an existing school in an already that is already developed. Agricultural uses have not been in practice in this area for over 30 years.
- (3) The existing school site is located in the R-1 zoning district. The expansion component is proposed to be annexed and rezoned as R-1. As the area has been developed for some time, there are no Williamson Act contracts in the neighborhood.
- (4) See discussion above.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively

considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City's Capital Planning staff and adequate water supply and delivery system is present to serve the project.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate | <input type="checkbox"/> | X  |

capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City's Capital Planning staff and adequate wastewater treatment and delivery system is present to serve the project.

## **7. SENSITIVE WILDLIFE AND PLANT HABITAT**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### **c. Project-Specific Effects**

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species. | <input type="checkbox"/> | X  |
| (3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.  | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. As the subject property is located in an already developed area and not in a potential biological resource study area, as a result, the proposal was not referred to the U.S. Department of Fish and Game.
- (3) See discussion above. In addition, there are no mature trees in the subject area.

## 8. ARCHAEOLOGICAL OR HISTORICAL SITES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure,

which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involved the acquisition and demolition of five residentially developed parcels located in the County. None of these properties were designated as historical resources or as a Landmark Preservation Site in the Modesto Urban Area General Plan.

**9. STORM DRAINAGE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would substantially increase the rate or amount of surface | <input type="checkbox"/> | X  |

runoff in a manner that would result in flooding on- or offsite.

- (3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.  X

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
- (3) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

## 10. FLOODING AND WATER QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	X
(3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	X
(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

- (2) The construction component of this project is subject to the review and approval of the State Architects Office. The reviewing agency will require adherence to any Clean Water Act requirements, as it deems appropriate.
- (3) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
- (4) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

## **11. PARKS AND OPEN SPACE**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### **c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

## 12. SCHOOLS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project will result in accommodating the students in this already critically overcrowded school.

**13. POLICE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves minor expansion of an existing school that is already served with adequate police services. The proposal was referred to the Modesto Police Department which did not comment on the need for additional facilities.

**14. FIRE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves minor expansion of an existing school that is already served with adequate fire protection services. The project will be required to meet all City Fire safety requirements.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) This project was referred to the Solid Waste Division of the City's Engineering and Transportation Department and they had no comments regarding this project's impact on the solid waste impacts.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. | <input type="checkbox"/> | X  |
| (3) The project contains a contaminated site not identified as of March 2003.  | <input type="checkbox"/> | X  |
| (4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.                             | <input type="checkbox"/> | X  |
| (5) The project would be located on a site which is included on a list of  | <input type="checkbox"/> | X  |

hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2-5) The City's Final Master Environmental Impact Report lists hazardous materials sites and this project is not near any those sites.

## 17. LANDSLIDES AND SEISMIC ACTIVITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves property that was previously built-upon with single-family residences and road improvements. According to the MEIR's physical description of the General Plan's study area, the site is not located in area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

**18. ENERGY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards

**c. Project-Specific Effects**

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

- |   |                          |    |
|---|--------------------------|----|
|   | YES                      | NO |
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.

**19. PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-than significant unless:

- |  |                          |    |
|--|--------------------------|----|
|  | YES                      | NO |
| (1) The project is inconsistent with the Modesto Urban Area General Plan.                | <input type="checkbox"/> | X  |
| (2) The project includes a substantive amendment to the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |
| (3) The project would physically divide an established community                         | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2) The project involves annexation to the City Limits and does not include an amendment to the Modesto Urban General Plan.
- (3) The project will serve to strengthen the bonds of the neighborhood as the elementary school unites the children and parents in the neighborhood.

## 20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

### a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would have a substantial adverse effect on a scenic vista.   | <input type="checkbox"/> | X  |
| (3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.             | <input type="checkbox"/> | X  |
| (4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
- (2-4) The project is located within an established residential neighborhood and there are no scenic vistas in the immediate area. The expansion of the existing school is consistent with the type of development in the area.

The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planning to cover the CMU block wall.

## V. MITIGATION MEASURES APPLIED TO THE PROJECT

### A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

#### Traffic and Circulation Measures:

N/A

#### Air Quality Measures:

##### Mitigation Measure Air-1: PM10 Control Measures

1. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10.  
The following controls are required to be implemented at all construction sites:
  - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
  - e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
  - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*

g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

h. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

i. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

**Noise Measures:**

N/A

**Agricultural Land Measures:**

N/A.

**Water Supply Measures:**

N/A

**Sanitary Sewer Service Measures:**

N/A

**Sensitive Wildlife and Plant Habitat Measures:**

N/A

**Archaeological or Historic Sites Measures:**

N/A

**Storm Drainage Measures:**

N/A

**Flooding and Water Quality Measures:**

N/A

**Parks and Open Space Measures:**

N/A

**Schools Measures:**

N/A

**Police Services:**

N/A.

**Fire Services:**

N/A

**Generation of Solid Waste**

N/A

**Generation of Hazardous Materials**

N/A

**Potential for Landslides and Seismic Activity**

N/A

**Energy**

N/A

**Planning and Land Use**

N/A

**Aesthetics**

N/A

**B. Recommended Conditions of Project Approval**

1. Glenn Avenue be dedicated and improved to full City Standards.
2. The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.
3. All fences and walls heights shall adhere to the City's Clear Vision Triangle requirements.
4. The City Fire Marshal cited the following California Fire Code requirements:
  - a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
  - b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
  - c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with an approved turnaround.
5. The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.
6. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:

- a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
  - b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d) With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
  - e) When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
  - f) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
  - g) Following the addition of materials to, or the removal
  - h) Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
  - i) Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  - j) Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
  - k) The Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).
7. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
  8. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
  9. Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
  10. Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be

increased to 200 feet.

11. Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with an approved turnaround.
12. The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.
13. The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planting to cover the CMU block wall.

# City of Modesto

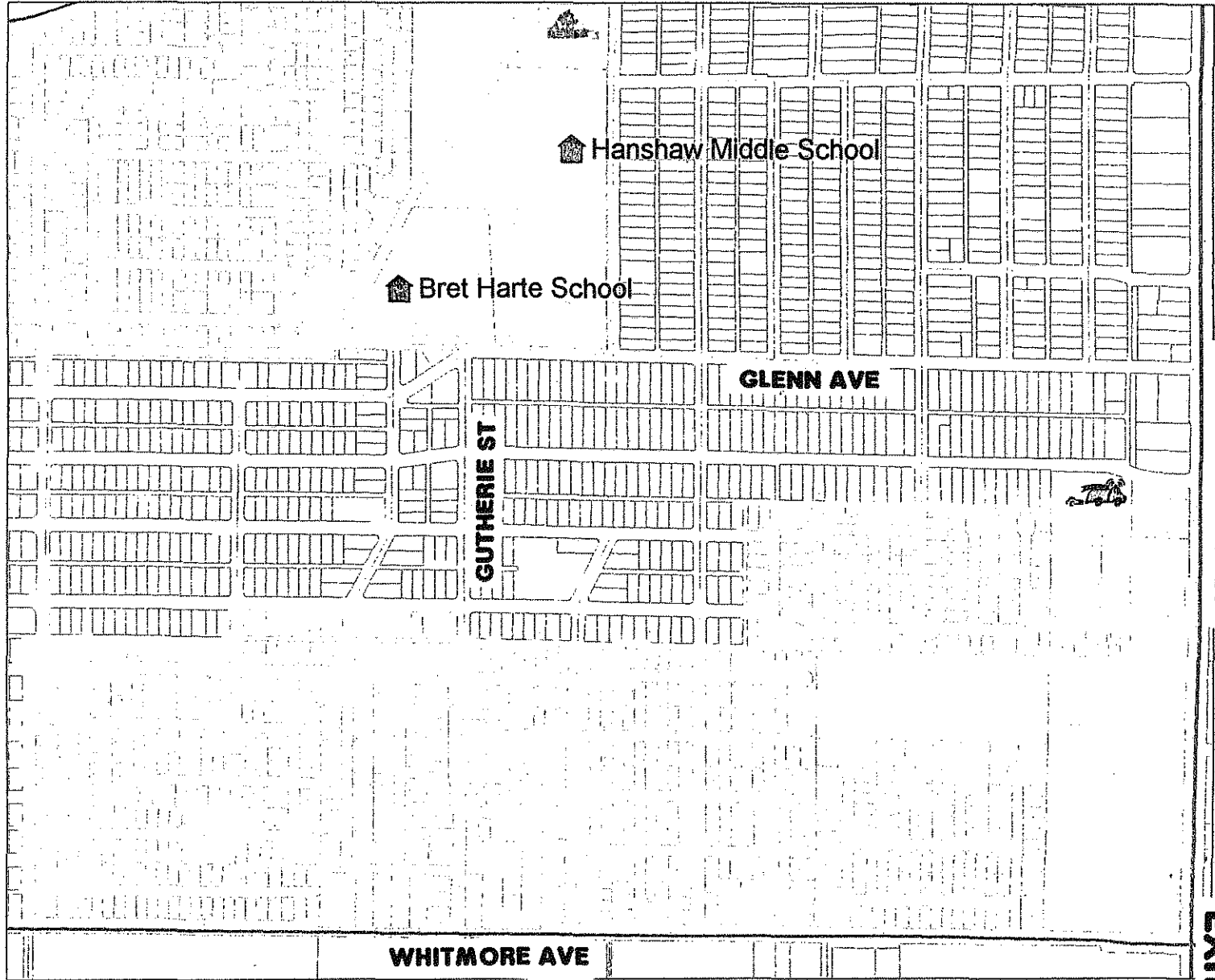
**Schools**  
 ELEMENTARY  
 MIDDLE  
 JUNIOR  
 HIGH  
 JUNIOR COLLEGE  
 ADMIN

**Park Locations**

**Final Subdivision Maps**

**Parcels**

**Cities**  
CERES  
COUNTY  
HUGHSON  
MODESTO  
NEWMAN  
OAKDALE  
PATTERSON  
RIVERBANK  
TURLOCK  
WATERFORD



SCALE 1 : 8,464



CROWS LANDING RD

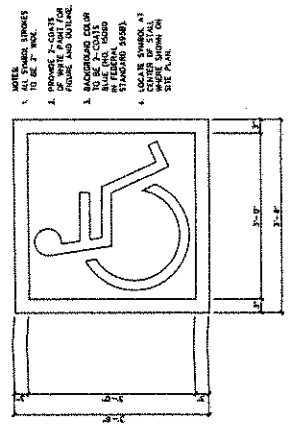
EXHIBIT A

BRET HARTE ELEMENTARY SCHOOL EXPANSION  
 809 BRET HARTE PLACE  
 MODESTO, CALIFORNIA 95351  
 FOR  
 MODESTO CITY SCHOOLS



Date:	6/7/03
Client:	DC
Project:	DC
Sheet:	01-02
File:	082830

A1.0



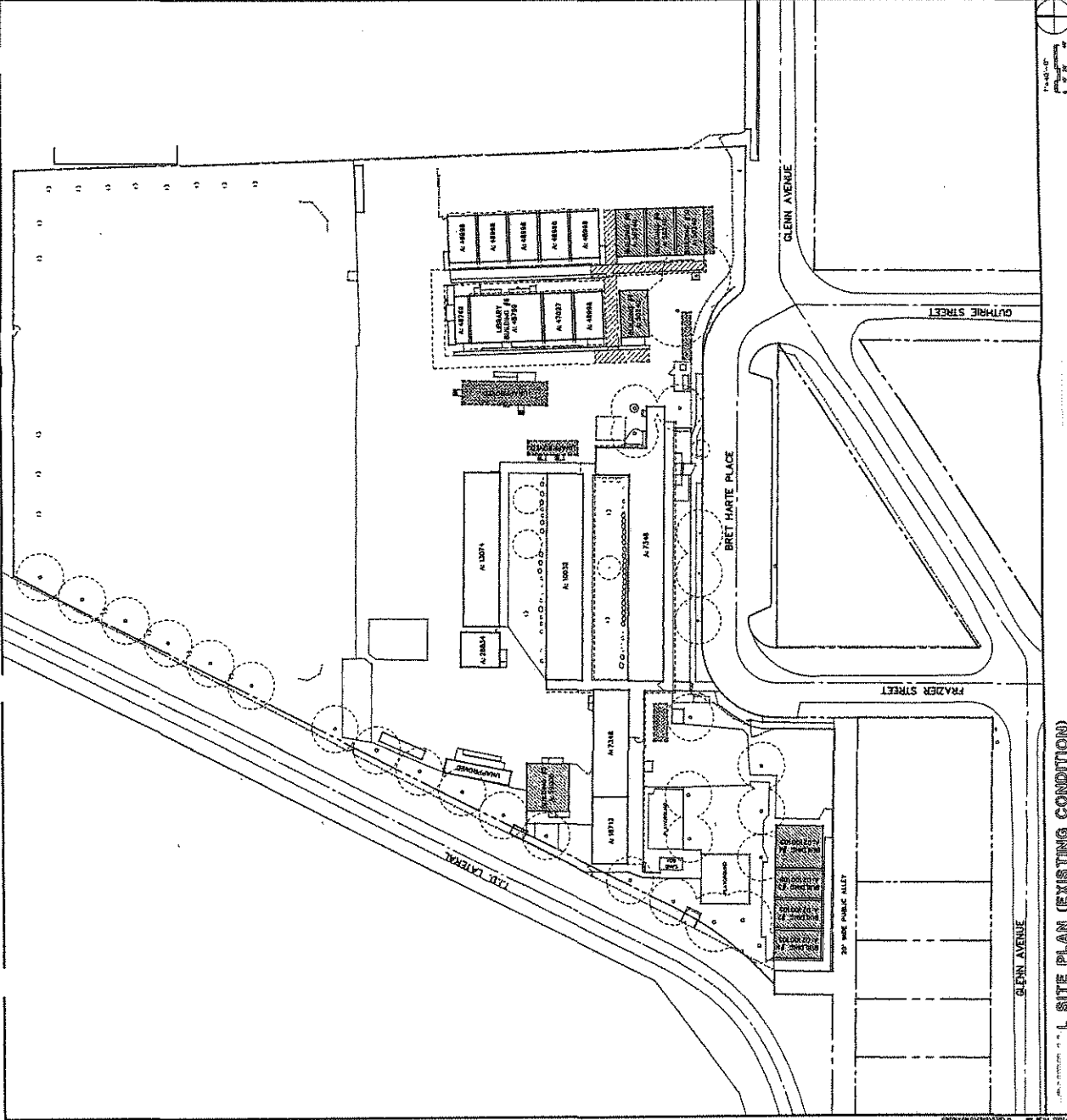
ACCESSIBLE PARKING STALL LOGO  
 15' x 21' STALL

- NOTES
1. ALL SYMBOLS SHOWN ON THIS PLAN ARE TO BE PAINTED IN WHITE.
  2. ALL SYMBOLS SHOWN ON THIS PLAN ARE TO BE PAINTED IN WHITE.
  3. ALL SYMBOLS SHOWN ON THIS PLAN ARE TO BE PAINTED IN WHITE.
  4. ALL SYMBOLS SHOWN ON THIS PLAN ARE TO BE PAINTED IN WHITE.
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  9. ALL SYMBOLS SHOWN ON THIS PLAN ARE TO BE PAINTED IN WHITE.
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SITE LEGEND/NOTES

MEMBERS LISTED ABOVE ARE SPECIFIC TO THIS SHEET ONLY

KEYNOTE



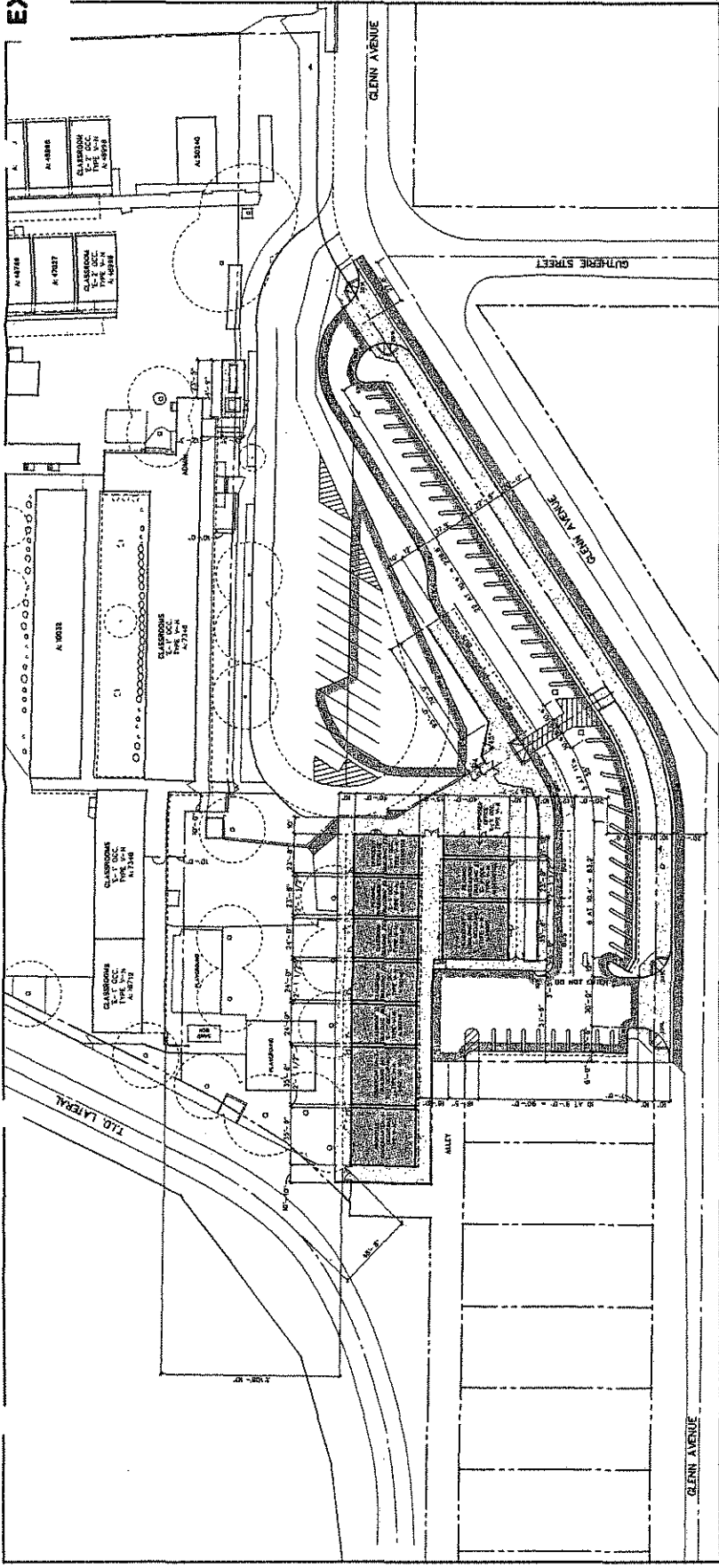
L SITE PLAN (EXISTING CONDITION)



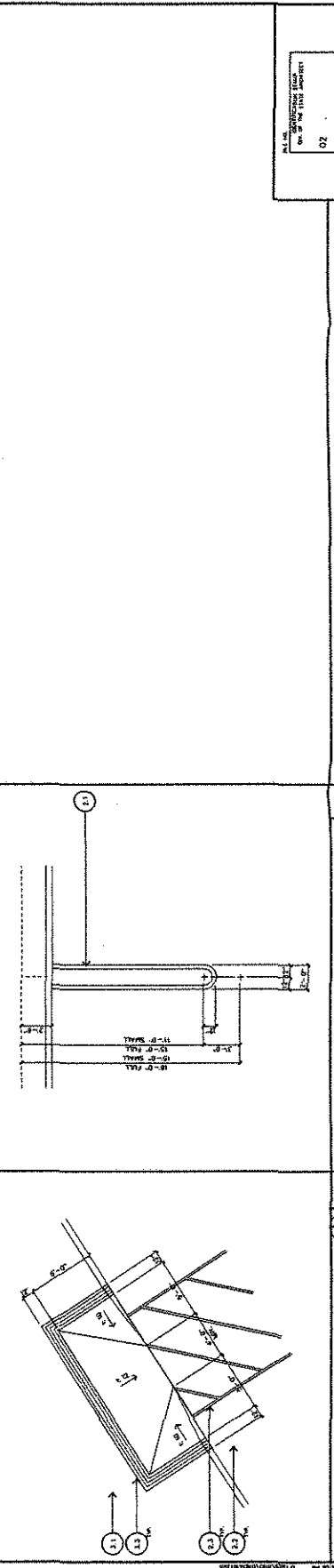
1007 10TH STREET  
 MODESTO, CALIFORNIA 95354  
 209/731-4534  
 209/731-0368 FAX

Date	8/7/03
Design	DE
Drawn	TK
Job	01-02
File	01020301

**A11**



**ENLARGED SITE PLAN (PHASE 1)**



**ACCESSIBLE CURB RAMP** 1/4" = 1'-0"  
**STALL STRIP** 1/4" = 1'-0"

**2 KEYNOTES**

Sheet	02
Project	01-02
Date	8/7/03

REVISIONS WITH MARKS ARE SPECIFIC TO THIS SHEET ONLY.

EXHIBIT B-

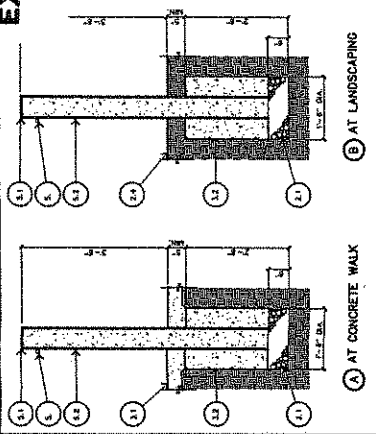
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809 BRET HARTE PLACE  
MODESTO, CALIFORNIA 95361



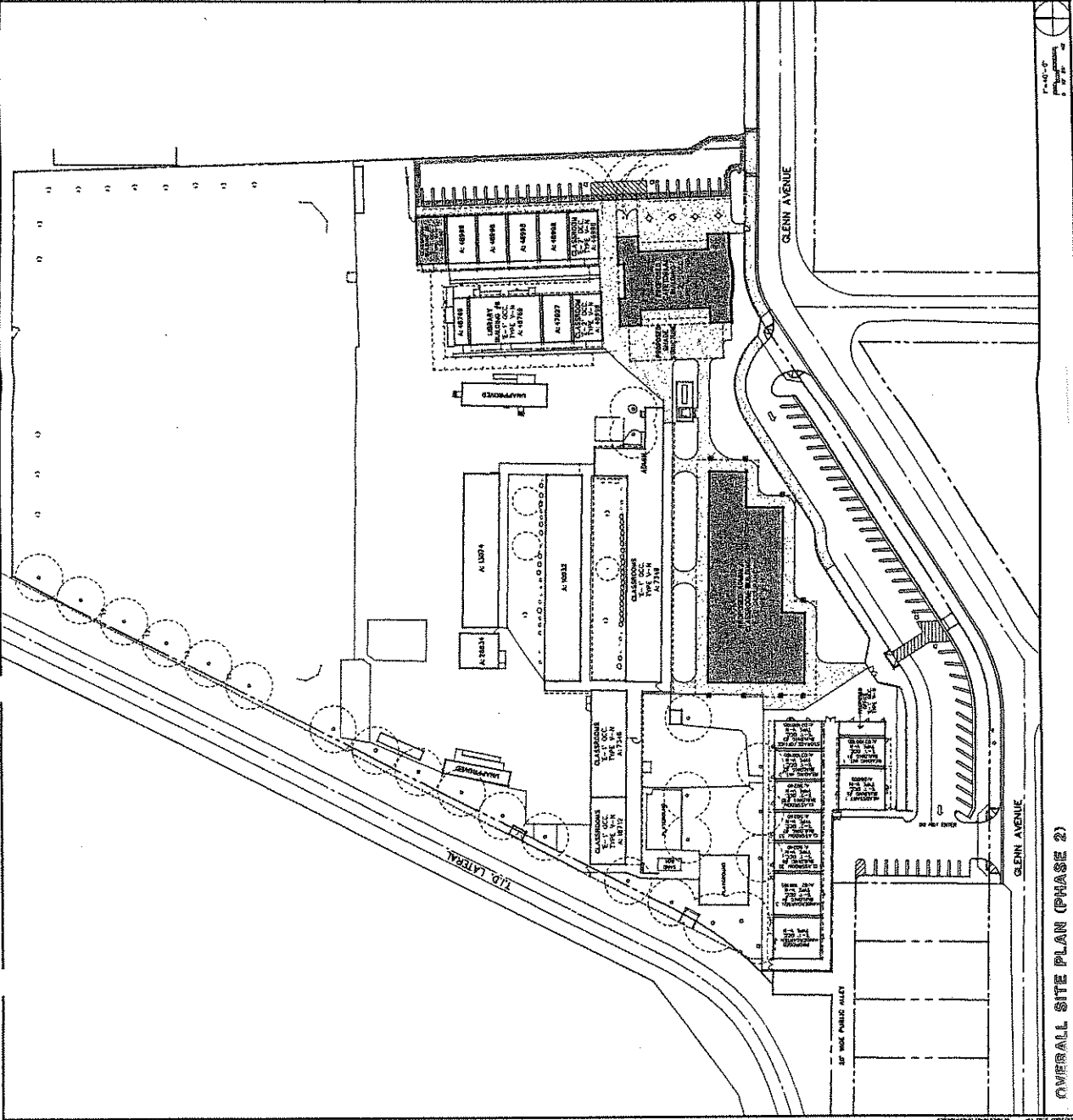
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MODESTO, CALIFORNIA 95354  
209/578-0638  
209/578-0788 FAX

Scale	1/8" = 1'-0"
Sheet No.	02
Project No.	02-001-01A
Date	02/01/01

A14



PIPE BOLLARD



OVERALL SITE PLAN (PHASE 2)

KEYNOTE

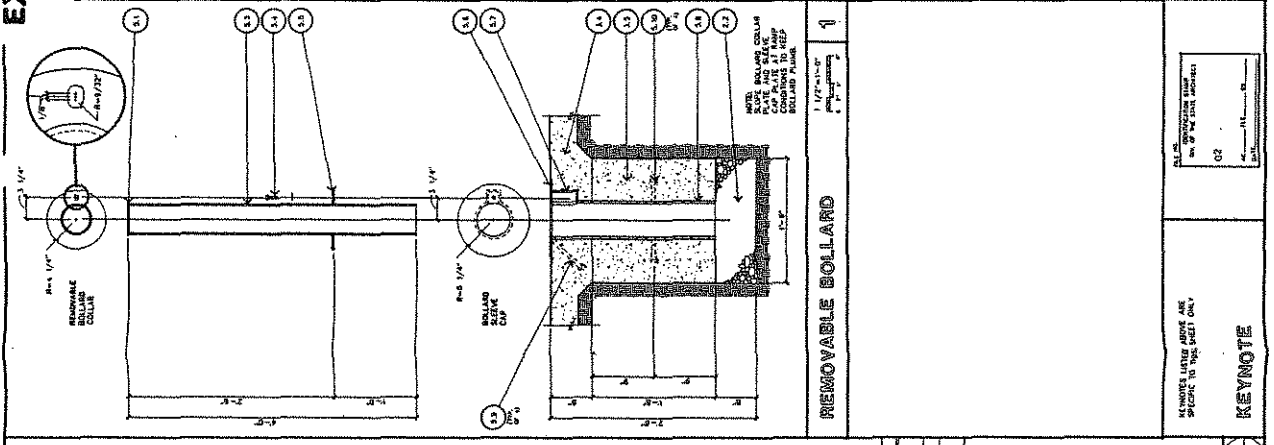
REVISIONS LISTED ABOVE ARE SPECIFIC TO THIS SHEET ONLY

DATE OF THIS SHEET: 02/01/01

BRYT HARTTE ELEMENTARY SCHOOL EXPANSION  
 808 BRYT HARTTE PLACE  
 WOODSTOCK, CALIFORNIA 95381  
 FOR WOODSTOCK CITY SCHOOLS

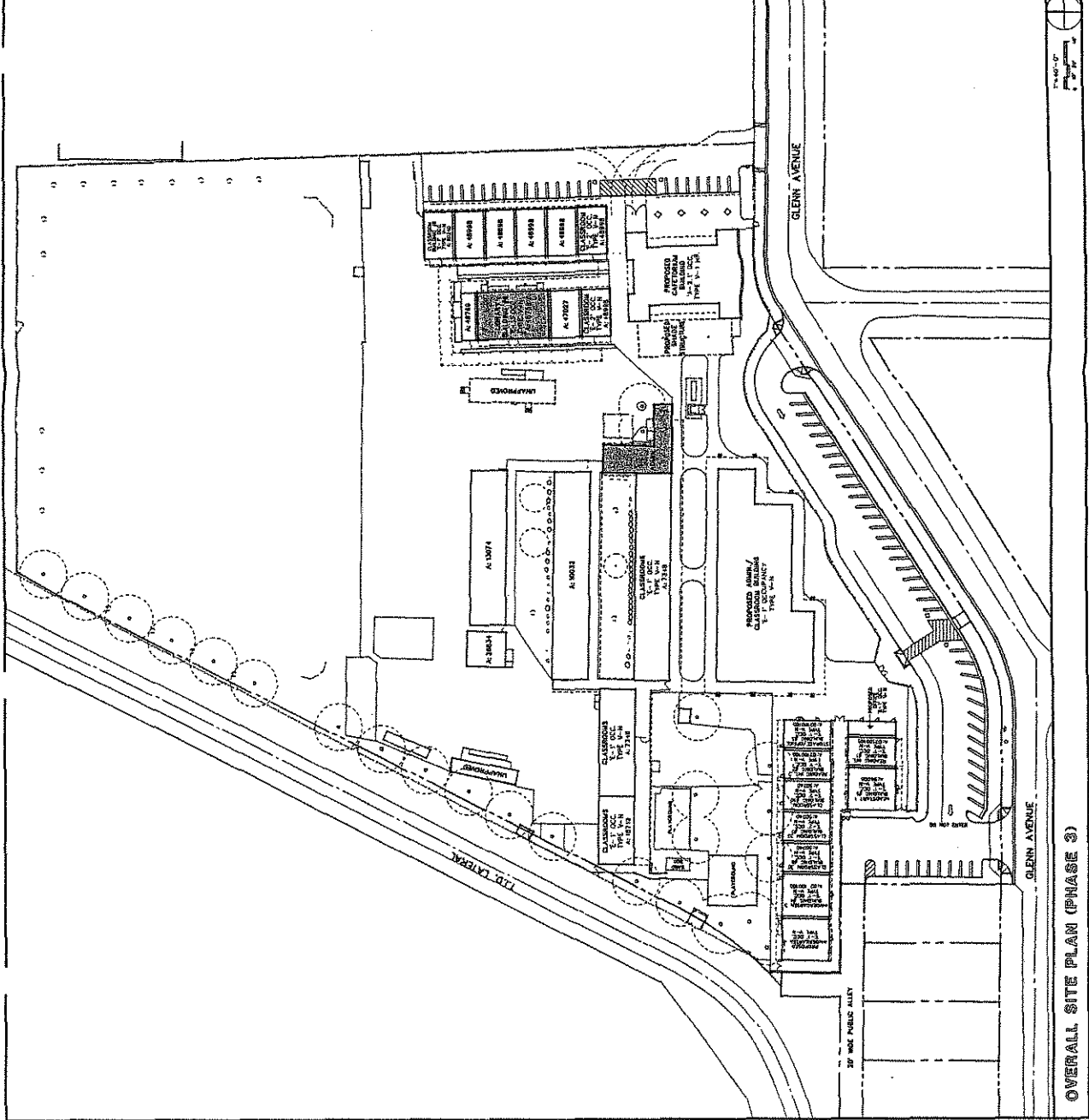


DATE: 2/22/03  
 DRAWN: DS  
 CHECKED: JLD  
 PROJECT NO: 03-01-01  
 SHEET NO: A18



**REMOVABLE BOLLARD**







KEYNOTE  
 KEYNOTES LISTED ABOVE ARE SPECIFIC TO THIS SHEET ONLY



**OVERALL SITE PLAN (PHASE 3)**























# City of Modesto

**Schools**

-  ELEMENTARY
-  MIDDLE
-  JUNIOR
-  HIGH
-  JUNIOR COLLEGE
-  ADMIN

**Park Locations**


**Zoning**

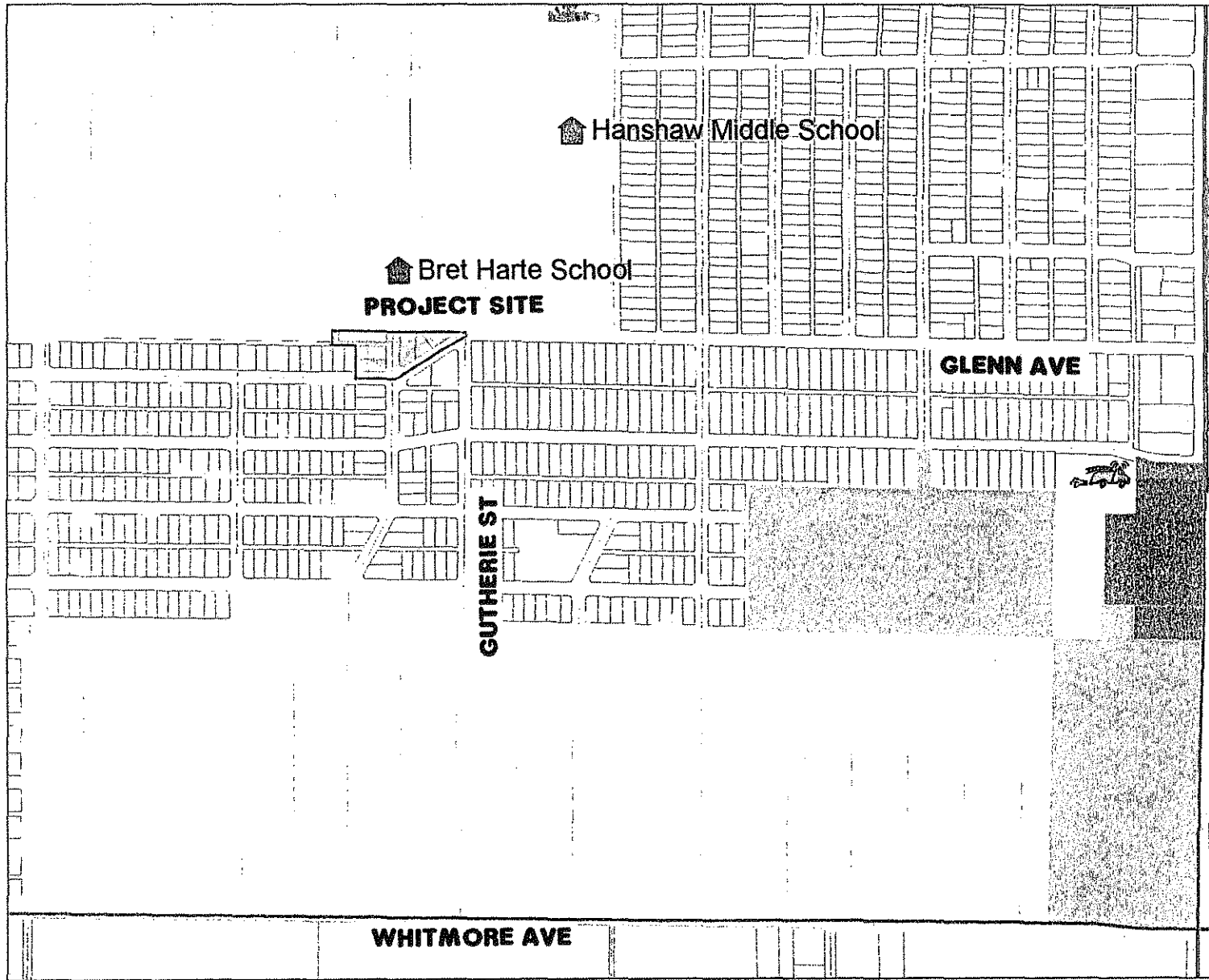
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-  M-1
-  M-2
-  P-C-3
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-  P-P-D
-  P-M-1
-  P-O
-  P-R-1
-  P-R-2
-  P-R-3
-  P-SP
-  P-SP-O
-  R-1
-  R-2
-  R-3
-  SP-H
-  SP-O

**Final Subdivision Maps**

**Parcels**

**Cities**

-  CERES



CROWS LANDING RD

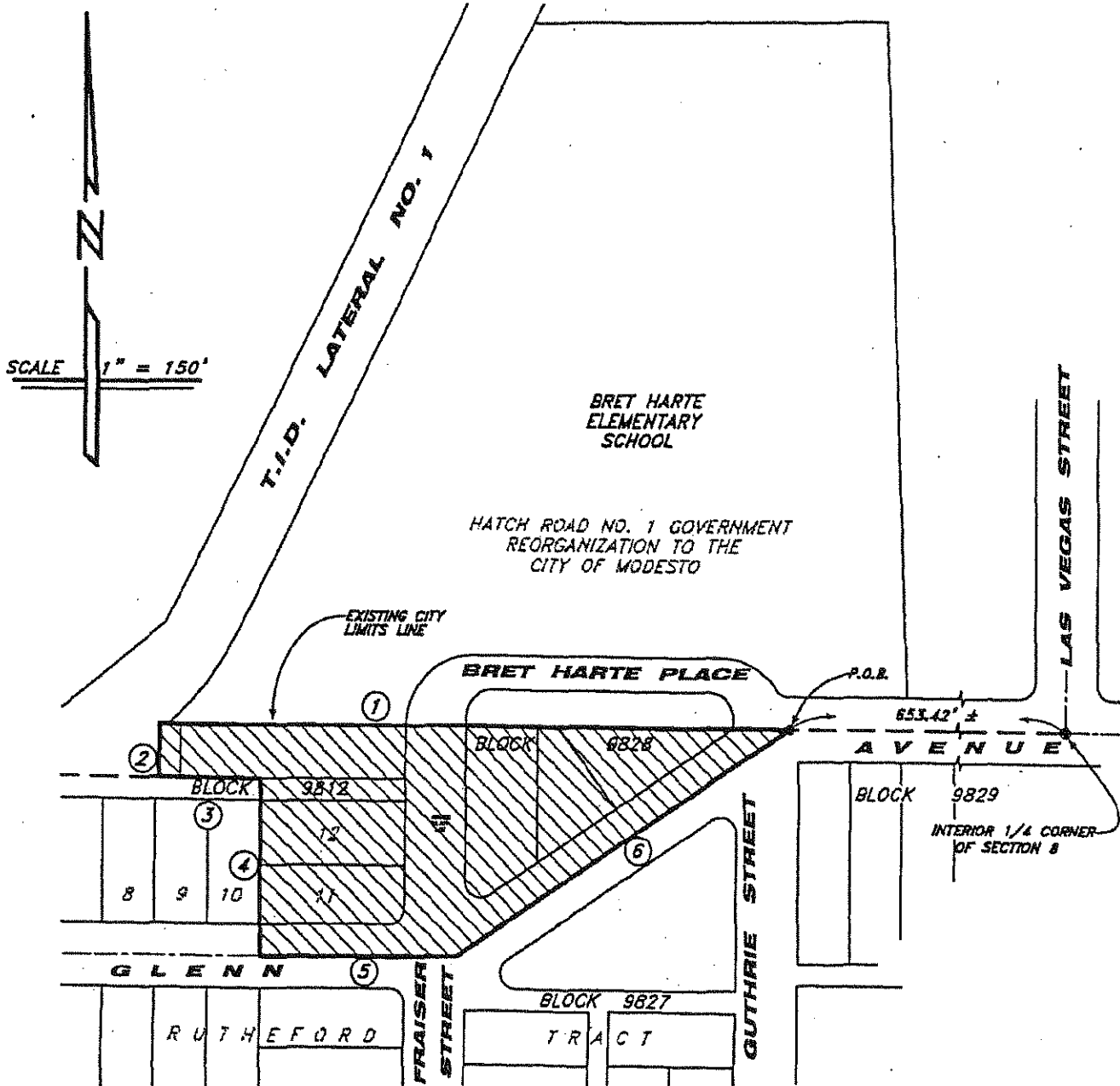
EXHIBIT C-1

SCALE 1 : 8,434



**PREZONE TO R-1  
GLENN AVENUE NO. 1 REORGANIZATION  
TO THE CITY OF MODESTO**

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER  
OF SECTION 8, T.4 S., R.9 E., M.D.B. & M.  
STANISLAUS COUNTY, CALIFORNIA



PREPARED BY:

**df** **DELAMARE-FULTZ**  
ENGINEERING AND SURVEYING  
3421 TULLY ROAD SUITE J MODESTO CA. 95350  
TELEPHONE (209) 529-7450

- ① N. 89°10'00" W. 612.56'
- ② S. 0°26'00" W. 50.00'
- ③ S. 89°10'00" E. 96.62'
- ④ S. 0°13'00" W. 165.51'
- ⑤ S. 89°20'00" E. 190.77'
- ⑥ N. 57°12'00" E. 388.08'

**PREZONE TO R-1  
GLENN AVENUE NO. 1 REORGANIZATION  
TO THE CITY OF MODESTO**

All that certain real property situate in portion of the southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

Beginning at the intersection of the east-west quarter section line of said Section 8 with the centerline of 60 foot wide Glenn Avenue which is on the south line of Hatch Road No. 1 Government Reorganization; thence along said east-west quarter section line, being also said south line of Hatch Road No. 1 Government Reorganization, North  $89^{\circ}10'00''$  West 612.56 feet to the southeastern right-of-way of the Turlock Irrigation District Lateral No. 1; thence along said right-of-way of Lateral No. 1, South  $0^{\circ}26'00''$  West 50.00 feet to the north line of the alley in Block 9812 of the Rutherford Tract according to the official map thereof recorded in Volume 16 of Maps, Page 37 Stanislaus County Records; thence along said north line of alley South  $89^{\circ}10'00''$  East 96.62 feet to the northerly extension of the east line of Lot 10 of said Block 9812; thence along said northerly extension of the east line of Lot 10 and the southerly extension thereof, South  $0^{\circ}13'00''$  West 165.51 feet to the centerline of said 60 foot wide Glenn Avenue (formerly 5<sup>th</sup> Avenue on said Rutherford Tract); thence along said center line South  $89^{\circ}20'00''$  East 190.77 feet to an angle point; thence along said center line North  $57^{\circ}12'00''$  East 388.08 feet to the beginning.

Containing: 80,781 SF (1.854 AC)

**EXHIBIT E-1**

15. 3, 1.P. (P)  
SET TAG L.S. 5122

SCALE: 1" = 100'

N 29°10'17" E  
20.67'(M,E)

S 89°47'12" E 346.58'(M,E)

N 29°10'17" E  
46.76'(M,E)

NEW PROPERTY LINE

BLOCK

BRET HARTE  
ELEMENTARY SCHOOL

626.68'(M,E)

S 01°46'37" E

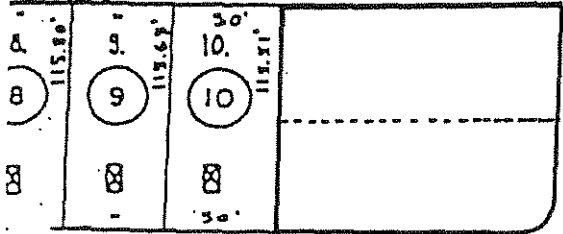
T.I.D. RIGHT OF WAY  
INST. NO. 94-0022871-00

**CITY OF MODESTO  
PUBLIC AREA TO  
BE ABANDONED**

CITY LIMITS  
LINE

A V E

9812

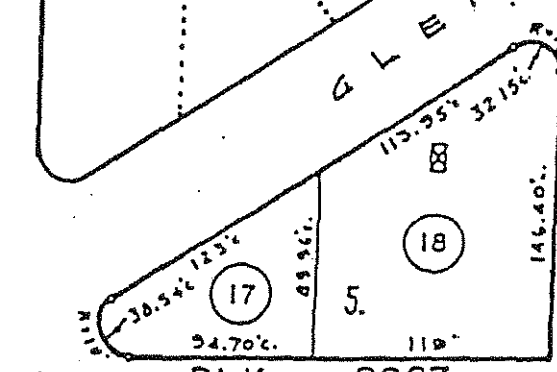


BENN AVE.

FRAZIER ST.

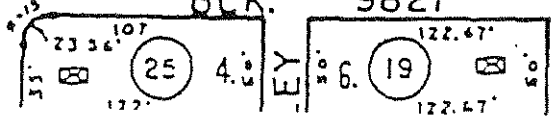
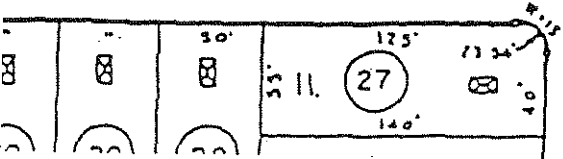


GLENN

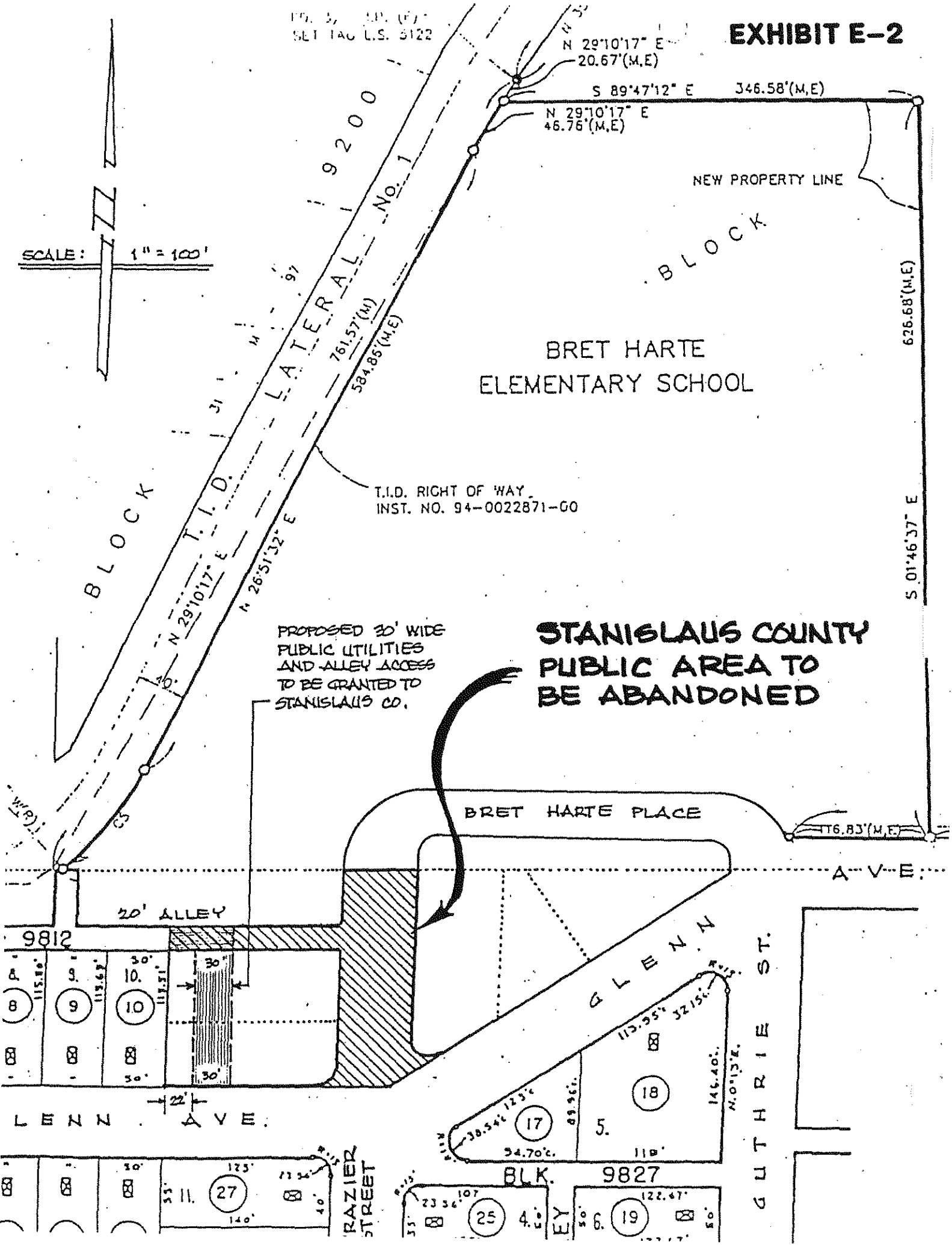


BLK. 9827

GUTHRIE ST.



SCALE: 1" = 100'



BLOCK

BLOCK

BRET HARTE  
ELEMENTARY SCHOOL

T.I.D. RIGHT OF WAY  
INST. NO. 94-0022871-00

PROPOSED 30' WIDE  
PUBLIC UTILITIES  
AND ALLEY ACCESS  
TO BE GRANTED TO  
STANISLAUS CO.

**STANISLAUS COUNTY  
PUBLIC AREA TO  
BE ABANDONED**

BRET HARTE PLACE

A V E

20' ALLEY

9812

LENZ AVE

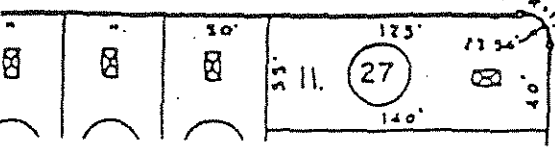
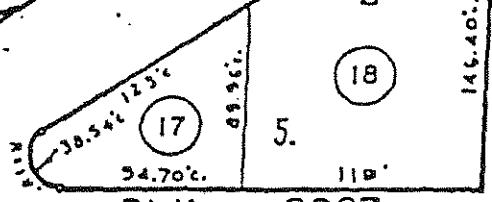
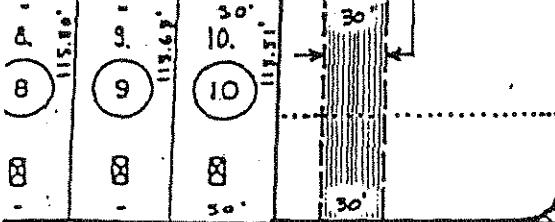
GLENN

GUTHRIE ST.

RAZIER STREET

BLK. 9827

4. U E Y



626.68'(M,E)

S 01°46'37" E

116.83'(M,E)

S 89°47'12" E 346.58'(M,E)

N 29°10'17" E 46.76'(M,E)

N 29°10'17" E 20.67'(M,E)

761.57'(M)

584.85'(M,E)

31.1 M

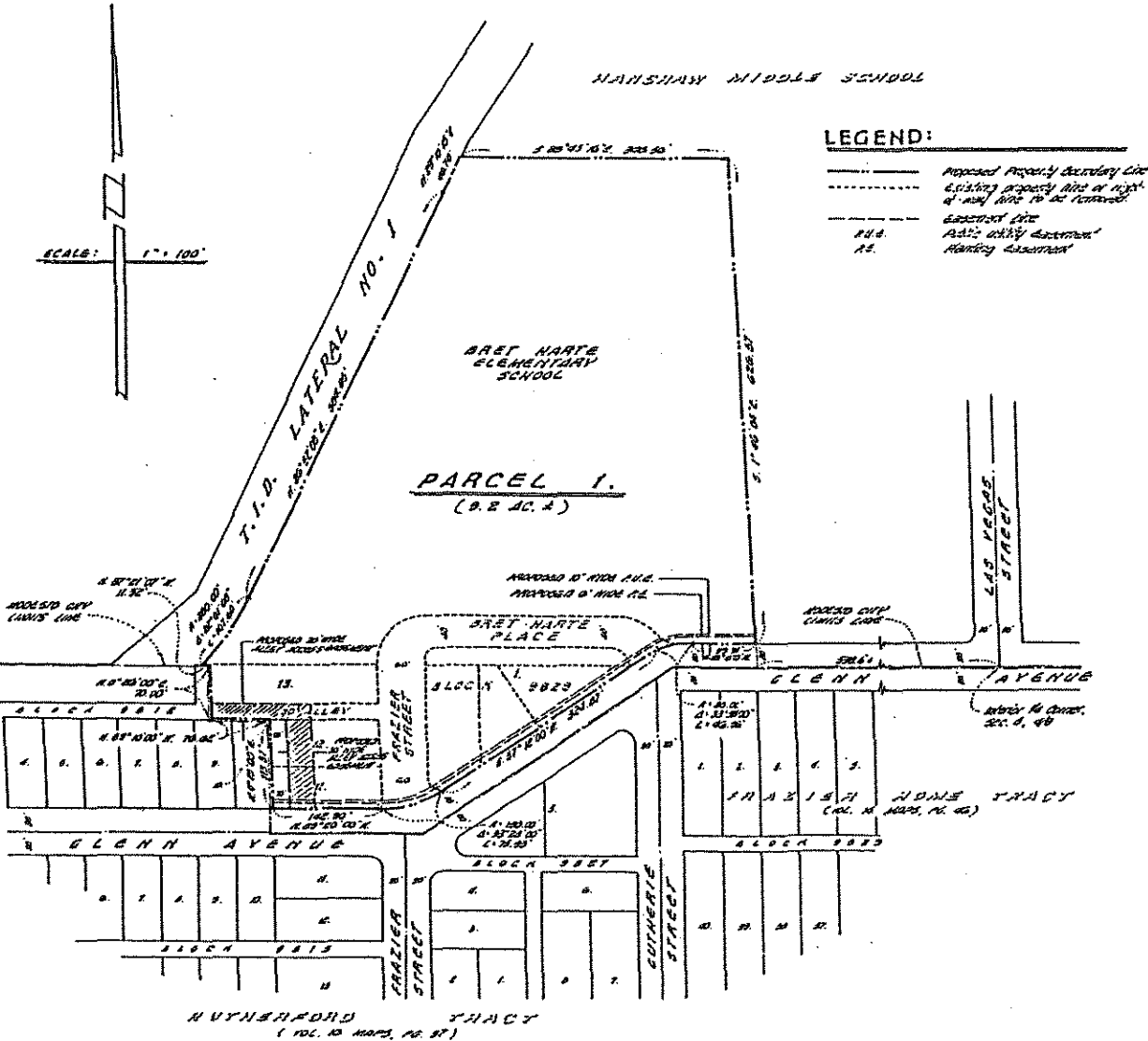
97

31.1 M

40'

33

W.P.

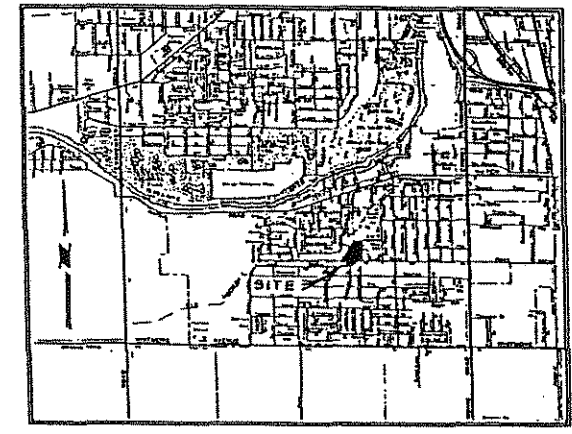


SCALE: 1" = 100'

HANSHAW MIDDLE SCHOOL

LEGEND:

- Proposed Property Boundary Line
- Existing property lines or right of way line to be removed
- Easement line
- A.L.E. Adm. Utility Easement
- H. Hauling Easement



VICINITY MAP

SCALE: 1" = 1/4" A.S.

NOTES:

- A. IN CONJUNCTION WITH THE SUBMITTAL OF THIS VESTING TENTATIVE PARCEL MAP, AN APPLICATION FOR ANNEXATION TO THE CITY OF MODESTO, PRE-ZONING, AND ABANDONMENT OF PUBLIC RIGHTS-OF-WAY IS ALSO BEING SUBMITTED TO APPROPRIATE AUTHORITIES FOR PROCESSING.
- B. THE INTENT OF THIS VESTING TENTATIVE PARCEL MAP IS TO COMBINE THE SEVEN INDIVIDUAL LOTS AND THE PUBLIC RIGHTS-OF-WAY SHOWN WITHIN THE HEAVY BORDER WITH THE CURRENT GRET HARTE ELEMENTARY SCHOOL SITE AND CREATE ONE PARCEL.
- C. THIS VESTING TENTATIVE PARCEL MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH BY SEC. 4-4. 502 OF THE CITY OF MODESTO MUNICIPAL CODE.

- 1. ZONING; R-1
- 2. ASSESSOR'S PARCEL NO.: 056-30-09, 056-44-11, 12, 13, 14, 16, 49 & 50
- 3. SANITARY SEWAGE DISPOSAL BY THE CITY OF MODESTO.
- 4. WATER SUPPLY BY THE CITY OF MODESTO.
- 5. STORM DRAINAGE BY PRIVATE ON-SITE SYSTEM.
- 6. GAS SERVICE BY PACIFIC GAS & ELECTRIC CO.
- 7. ELECTRICAL SERVICE BY TURLOCK IRRIGATION DISTRICT.
- 8. TELEPHONE SERVICE BY SBC.
- 9. CABLE TELEVISION BY COMCAST.
- 10. STREET IMPROVEMENTS SHALL BE DONE PER CITY OF MODESTO STANDARD SPECIFICATIONS.
- 11. ADDITIONAL PUBLIC UTILITIES REQUIRED WILL BE INSTALLED UNDERGROUND OR OVERHEAD IN PUBLIC UTILITY EASEMENTS.
- 12. SCHOOL BUILDINGS ARE EXISTING ON THIS SITE.
- 13. PUBLIC IMPROVEMENT PLANS TO BE PREPARED AND SIGNED BY A STATE OF CALIFORNIA REGISTERED CIVIL ENGINEER.
- 14. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH CITY OF MODESTO STANDARDS.

EXHIBIT F



**DELAMARE-FULTZ**  
 ENGINEERING AND SURVEYING  
 3421 TULLY ROAD • SUITE 2 • MODESTO, CA. 95324  
 TELEPHONE (209) 828-7450  
 4.5.11.2407 James H. DeLamare-Fultz 9-26-03  
 (REVISED 6-30-04) DATE












**VESTING TENTATIVE PARCEL MAP**  
 LOCATED IN A PORTION OF THE W. 1/2  
 OF SECTION 8, T.4S., R.9E., M.D.B. & M.  
 AND THE CITY OF MODESTO,  
 STANISLAUS COUNTY, CALIFORNIA.

DATE	01/24
BY	AS
CHK BY	TKD
DATE	10/1
DATE	OCT 2003
DATE	1
DATE	1 2003
DATE	C9C-150

# City of Modesto

## General Plan Areas

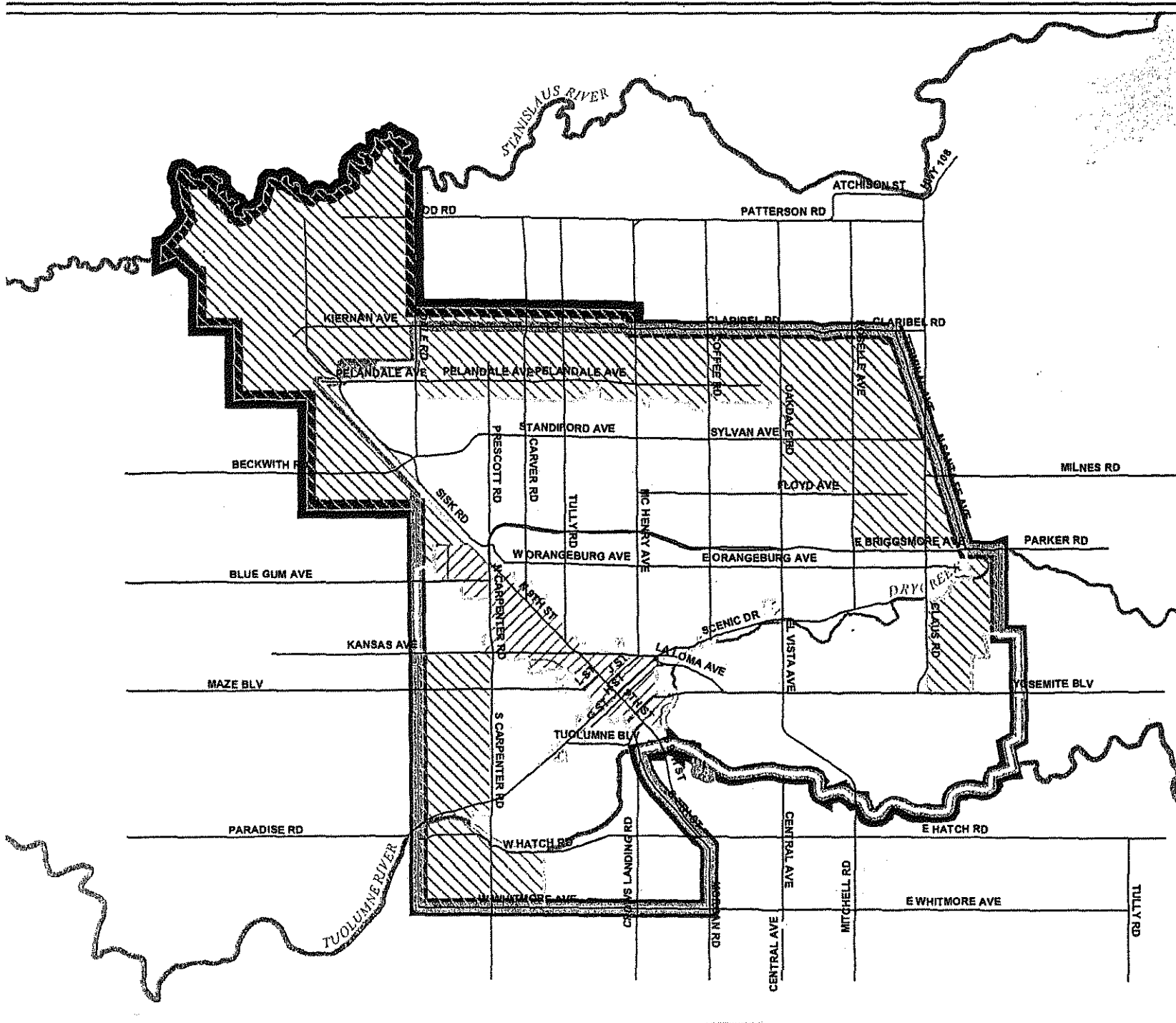
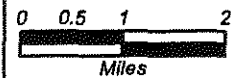
### Legend

-  Redemption Area
-  Planned Urbanizing Area
-  Baseline Developed Area
-  General Plan Boundary
-  Sphere of Influence
-  Modesto
-  Ceres
-  County
-  Hughson
-  Oakdale
-  Riverbank

Source: 1995 Modesto Urban Area General Plan



October 9, 2003



**EXHIBIT G**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-237**

**A RESOLUTION ESTABLISHING FEES FOR THE TUOLUMNE RIVER  
REGIONAL PARK FACILITIES AND RESCINDING RESOLUTION NO. 2002-  
383.**

WHEREAS, on August 8, 2002, the City Council adopted Resolution No. 2002-383 establishing certain fees for use of Tuolumne River Regional Park facilities managed by the City's Parks, Recreation and Neighborhoods Department, and

WHEREAS, on March 23, 2004, the City Council adopted Resolution No. 2004-167, establishing policies and procedures and fees for Parks, Recreation and Neighborhoods Department facilities and services, and

WHEREAS, said resolution did not include establishing fees for facilities of the Tuolumne River Regional Park, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee met on March 24, 2004, and supported the recommended fees for Tuolumne River Regional Park facilities and related services managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the Tuolumne River Regional Park Commission met on April 12, 2004, and supported the recommended fees for Tuolumne River Regional Park facilities and related services managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, pursuant to an agenda report to the City Council dated April 12, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council certain fee assessments relating to the use of facilities and other related services for Tuolumne River Regional Park facilities managed by the Parks, Recreation

and Neighborhoods Department, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on April 27, 2004 in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, and

WHEREAS, on said date and time said duly noticed public hearing of the City Council was held for the purpose of receiving public comment on the proposed fees for Tuolumne River Regional Park facilities managed by the Parks, Recreation and Neighborhoods Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves certain fees relating to the use of Tuolumne River Regional Park facilities managed by the Parks, Recreation and Neighborhoods Department, a copy of which is attached hereto as **Exhibit "1"** and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 2002-383 is hereby rescinded effective April 30, 2004.

BE IT FURTHER RESOLVED that this resolution shall become effective on May 1, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, Mayor Ridenour  
NOES: Councilmembers None  
ABSENT: Councilmembers Hawn, O'Bryant

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

TRRP Facilities

Exhibit 1

	Current Fee	Fy 03-04 Cost of Service	Proposed FY 03-04 Fee	Proposed FY 04-05 Fee	Proposed FY 05-06 Fee	Proposed FY 06-07 Fee	Proposed FY 07-08 Fee
<b>Ballfields</b>							
Ballfield-without lights, per 2 hours	\$16.00	\$19.48	\$20	\$20	\$21	\$21	\$22
Ballfield-with lights per 2 hours	\$38.00	\$43.34	\$44	\$45	\$47	\$48	\$50
<b>American Legion Hall</b>							
Per 4 hours (M-Th, 8am-5	\$550.00	\$553.67	\$554	\$571	\$588	\$605	\$624
Per Day	\$925.00	\$1,077.33	\$1,075	\$1,107	\$1,140	\$1,175	\$1,210
Event Staffing Per Hour	New	\$30.76	\$31	\$32	\$33	\$34	\$35
<b>Picnic Areas</b>							
per section -all day	\$85.00	\$73.42	\$73	\$75	\$77	\$80	\$82

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-238**

**A RESOLUTION RESTATING USAGE POLICIES, BOOKING PROCEDURES AND RENTAL RATES FOR JOHN THURMAN FIELD, AND AUTHORIZING STAFF TO NEGOTIATE THE PARKING FEES FOR NON-BASEBALL EVENTS AT JOHN THURMAN FIELD AT A RATE FROM \$3.00 TO \$5.00 PER CAR, AND RESCINDING RESOLUTION NO. 98-51.**

WHEREAS, the City owns, operates and manages John Thurman Field, a Class A professional baseball stadium, and

WHEREAS, Section 12-3.03 of the Modesto Municipal Code authorizes the City Council by resolution to control and regulate the use of John Thurman Field, and

WHEREAS, special non-baseball events are held at John Thurman Field on occasion, and

WHEREAS, on January 27, 1998, by Resolution No. 98-51, the City Council established rental fees, usage policies and booking procedures for use of John Thurman Field, including parking rates for private non-baseball events at John Thurman Field at \$3.00 per car and no charge for non-profit special events, and

WHEREAS, pursuant to an agenda report to the City Council dated April 7, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council that certain usage policies and booking procedures for rental and use of John Thurman Field be restated, a copy of which is attached hereto as **Exhibit "1"** and **Exhibit "2"**, respectively, and incorporated herein by reference, and

WHEREAS, pursuant to an agenda report to the City Council dated April 7, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council that certain fee assessments relating to the use of John Thurman Field be restated, a copy of which is attached hereto as Exhibit "3" and incorporated herein by reference, and

WHEREAS, pursuant to an agenda report to the City Council dated April 7, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council that staff be authorized to negotiate parking rates for all non-baseball events at John Thurman Field at a rate from \$3.00 to \$5.00 per car, as shown on Exhibit "3", a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at their April 5, 2004, meeting, the Safety and Communities Committee recommended authorizing staff to negotiate the parking fees for non-baseball events at John Thurman Field at a rate from \$3.00 to \$5.00 per car, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on April 27, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed parking fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the usage policies, booking procedures and rental rates for John Thurman Field previously approved by the Council are hereby restated as set forth in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the fee assessments for rental of John Thurman Field previously approved by the Council are hereby restated as set forth in **Exhibit "3"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Council authorizes staff to negotiate the parking fees for non-baseball events at John Thurman Field at a rate from \$3.00 to \$5.00 per car.

BE IT FURTHER RESOLVED that Resolution No. 98-51 is hereby rescinded effective April 27, 2004.

BE IT FURTHER RESOLVED that this resolution shall become effective on April 28, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn, O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

City of Modesto  
Parks, Recreation and Neighborhoods Department  
Cultural and Enterprise Services Division

## John Thurman Field USAGE POLICIES

### GENERAL INFORMATION

No person may use John Thurman Field without first having obtained a written license. Parties to license and use negotiations with John Thurman Field must be legally qualified to execute binding contracts. Licensee shall not conduct within or upon the premises any other operations except those described in the license unless prior written consent of the City of Modesto is given. Licensee, its officers, agents, and employees shall comply with all rules and regulations, laws, and ordinances adopted or established, from time to time, by any governmental agent or department thereof.

#### 1. Rates and Services

Rates for the rental of John Thurman Field shall be indicated in the rate schedule. These rates are adjusted periodically to reflect the Mission Statement and budgetary goals for John Thurman Field. Changes in the schedule of rates for John Thurman Field are approved by the Modesto City Council.

The rental rate schedule states the maximum rentals to be collected by the stadium management. These rates will be charged to all stadium users with few exceptions. At the discretion of the stadium manager, lower rental rates can be negotiated by the stadium manager for one or more of these reasons:

- A quantity of dates that are scheduled in the same calendar year.
- A use that will render appropriate revenue levels to the stadium through other means than rent.
- In order to foster the addition of desirable events to the calendar that were unattainable in the past.
- A proposed use that does not fit the current rental rate schedule.

#### 2. Scope of Rental Payment

The agreement to pay a stated rental amount for the stadium entitles the Licensee to these facilities and services unless specifically stated in the license.

- The stated public space(s) at the stated times on the stated day(s).
- Concourse lighting as appropriate.
- Event supervision by the stadium management.

- Any other equipment or services specifically provided for in the use license.

### 3. Rental Rate Categories

The applicable rate to be charged for the use of the stadium will vary according to the prospective Licensee, the public space(s) requested, the time(s) requested, and the contemplated use of the space. Based on the above factors, the stadium management will establish the applicable rate to be charged that is also consistent with the rental schedule and stadium policies.

Definitions of the rental rate categories are below.

#### LICENSEE CATEGORIES:

- A. *Non-profit.* Rates listed for non-profit groups shall be extended to non-profit organizations that have a 501 (c) (3) tax status with the I.R.S.
- B. *Private.* All individuals and organizations that do not meet the non-profit criteria as set out above.

#### TIME CATEGORIES:

- A. *Overtime.* Will be facility usage that extends beyond the normal operation hours of the stadium.
- B. *Rehearsal.* Time used the day before the event for rehearsal or setup, or the day after an event for move-out. Rehearsal rates are only applicable on days when the public or event attendees are not present.
- C. *General time calculation.* The time of use begins when the Licensee, its representatives, employees, or contractors arrive at the stadium to begin event preparations. The time of use ends when the Licensee, its representatives, employees, contractors, and event attendees have totally vacated the stadium.
- D. *Normal operating hours.* Building usage before 6:00 a.m. and after 2:00 a.m. will only be allowed with stadium management approval.

#### USE CATEGORIES:

- A. *Ticketed events.* Events that fit some or all of these descriptions:
  - Typically sports or entertainment events.
  - Events where an admission is charged and the gross potential is greater than ten times the base rent.
  - Events where the general public is invited.
  - Not to include picnics and banquets where the admission charge is not predominantly aimed at the cost of entertainment.

Licensees in this category will be charged a flat guarantee versus 10% of the gross ticket sales, whichever is greater.

- B. *Trade shows.* Licensees that sublet space to exhibitors and charge for the right to exhibit will be charged a flat guarantee versus a net square foot cost, whichever is greater. The net square foot charge will be calculated on all floor space that is utilized by the exhibitors. Licensees that plan a trade show, craft show, etc., where the exhibitor's fee paid to the Licensee is too low to justify the net square foot rental rate, will be charged the flat rate for the stadium at the stadium management's discretion.
- C. *Baseball.* Non-profit Licensees that wish to use the stadium for the sole purpose of hosting a baseball game will pay the baseball rate.

#### **4. Expiration of License**

Licensee shall remove from the facilities all property, goods, and effects belonging to Licensee or caused by him to be brought upon the premises. If property is not removed within the time limits stated in the license, City shall have the right to dispose of, sell, store, or cause to be stored any property, for which Licensee shall pay a penalty fee, plus all storage and moving expenses incurred therefor, prior to release of the property from storage.

At the expiration of the time of use of the facilities set forth, Licensee shall quit the facilities and return all equipment and facilities procured, which premises, equipment, and facilities shall be in as good condition and repair as before Licensee's use thereof except for ordinary wear and use.

#### **5. Payment for Damages**

Licensee agrees to pay costs of repair or replacement for any and all damages of whatever origin or nature to property of City and John Thurman Field equipment resulting from Licensee's exercise of its license, whether deliberate, accidental, or other causes not predicated on active negligence of City. If possible, John Thurman Field management may withhold from box office receipts before settlement a reasonable amount to cover the costs arising from such damages. John Thurman Field management shall refund to Licensee any amount withheld in excess of actual damages. Otherwise, John Thurman Field management will bill Licensee for damage costs.

#### **6. Scheduling**

John Thurman Field management will at its sole discretion determine the acceptable frequency in a one-year period and the acceptable closeness of two similar events. If similar events are too frequent or too close on the calendar, John Thurman Field management reserves the right to deny permission to use John Thurman Field for the event.

#### **7. Event Information**

Licensee shall provide John Thurman Field management, at least fourteen days prior to the first day of a scheduled event, a full and detailed outline of all event requirements, including the setup, equipment, personnel, and all other such information as may be required by management.

## **8. Lawful Activity**

No performance, exhibition, or activity shall be given or held in John Thurman Field which is illegal.

## **9. Tickets**

Licensee will pay the City for all box office services as may be required. Licensee is required to sell all tickets at prices advertised, and no deviation will be allowed without the prior written consent of John Thurman Field management. In the handling, control, custody, and keeping of funds, the City is acting for the accommodation of Licensee, and as to such funds the City shall not be liable to Licensee or to any other persons for any loss, theft, or defalcation thereof whether such loss, theft, or defalcation is caused or done by employees of City or otherwise.

## **10. Concession Sales**

Licensee shall not sell, serve, or give away any concession items, including but not limited to tobacco products, beverages, food, candy, or refreshments of any kind, within the leased space except with prior written permission from John Thurman Field management. Licensee, his exhibitors, or persons caused by him to come on the premises may distribute free samples of food or beverages only upon receipt of written permission from John Thurman Field Manager.

City reserves the right to operate or contract for operation and receive the income from concessions for the events to be covered by this license. Such concessions shall include, but not be limited to, the dispensing or sale of food, beverages, programs, souvenirs, and novelties. John Thurman Field shall designate stand and/or bar locations for selling and serving such items.

## **11. Merchandise Sales**

- A. Performances, Entertainment, Concerts, Dances: Programs, garments, tapes, CDS, and other novelties may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. Licensee shall pay 20% of the gross receipts from such sales to the stadium management. Licensee should be prepared to inventory in all merchandise available for sale before sales are begun. Additionally, an inventory will be conducted at the conclusion of the sale to establish gross sales.
- B. Conferences, Conventions, Meetings, Seminars, etc.: Merchandise may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. The organization or company which is using John Thurman Field and hosting the event may sell merchandise and educational materials that promote their organization or its mission and/or bear its name or logo at no charge to the organization. When the sponsoring organization makes space available to another company or organization for the purpose of selling merchandise, the sponsor will be charged \$75 for each such merchant per day.

## 12. Broadcasting

No event presented in John Thurman Field shall be broadcasted, televised, or in any manner recorded for reproduction without the written consent of John Thurman Field management, and then only upon the express condition that all John Thurman Field expenses pertaining thereto will be paid in advance.

Additionally, John Thurman Field management reserves the right to charge a reasonable usage fee for any broadcast or recording activity. Licensee shall hold City harmless from such broadcasting activity and shall provide all insurance requested by John Thurman Field management prior to conducting the broadcasting.

## 13. Copyrights

Licensee agrees, represents, and warrants that nothing contained in the program, performance, or exhibition, or in any other way connected with Licensee's activities under this contract, shall violate or infringe upon any copyrights patented, right of privacy, or other statutory or common law right of any person, firm, or corporation. John Thurman Field will not be responsible for any violations of copyright laws by Licensee.

## 14. Advertising

It is agreed that no signs, posters, or advertisements shall be posted in, on, or about John Thurman Field without the prior written consent and approval of John Thurman Field Manager. In addition, Section 10-2.2108(o) of the Modesto Municipal Code reads as follows:

*"No signs on street trees, utility poles or structure in street right-of-way. No signs will be attached to any City street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter."*

Advertising materials must assure "truth in advertising" and good taste for the event authorized by this license.

Prior to the execution of this license, Licensee shall not publicize, nor cause to be publicized, in any manner, a performance or event at John Thurman Field. John Thurman Field reserves all rights to the information and manner of publicized display on John Thurman Field scoreboard or marquee.

## 15. Security

Licensee shall engage, through John Thurman Field management, and reimburse City for the services of adequate security personnel, to be appropriate for the intended facility use as required by John Thurman Field management. John Thurman Field management shall determine the number of officers, and duties will be assigned at the sole discretion of the City.

Licensee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either expressed or implied, during all times covered by this license. City reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.

## **16. Seating Capacity**

Licensee shall not sell or permit to be sold or distributed, tickets or passes in excess of the capacity of facilities leased nor admit thereto a larger number of persons than can safely and freely move about therein. The decision of John Thurman Field management in this respect shall be final and shall include the right to cancel the event if the number present exceeds the number permitted by law.

## **17. Control of Stadium**

The entrances and exits of said premises shall be locked and unlocked at such times as may be required for Licensee's use, but Licensee at his expense must place proper watchmen at all entrances and exits when same are unlocked. The City and all duly authorized representatives of the City shall have the right to enter John Thurman Field and all parts thereof at all times.

## **18. Lost Articles**

City shall have the right to collect and have custody of articles left in the building by persons attending any event in John Thurman Field, and Licensee or any person in Licensee's employ shall not collect nor interfere with the collection or custody of such articles.

## **19. Flammable Materials**

No flammable materials such as bunting, tissue paper, crepe paper, etc., will be permitted to be used for decorations, and all materials used for decorating purposes must be approved by the Fire Department.

## **20. Utility Connections**

Unless otherwise authorized by John Thurman Field management, all plumbing, electrical, domestic gas, or carpenter's work required to be done on the premises of John Thurman Field in connection with Licensee's use thereof, shall be done or furnished by City or approved representative.

## **21. Storage**

In the receipt, handling, care, or custody of property of any kind shipped or otherwise delivered to the premises by any Licensee, the City, John Thurman Field management, and its employees shall act solely for the accommodation of the Licensee, and neither City, John Thurman Field management, nor employees shall be liable for any loss, damage, or injury to such property.

## **22. Business License**

Private individuals and private companies utilizing John Thurman Field as a place to conduct business are required to have a City of Modesto business license. One-day licenses can be obtained from the City of Modesto Finance Department at (209) 577-5389.

LICENSEE HAS READ AND UNDERSTANDS THE STADIUM USAGE POLICIES AS SET FORTH ABOVE. LICENSEE AGREES TO OBSERVE AND ABIDE BY THE RULES AND REGULATIONS GOVERNING THE USAGE OF JOHN THURMAN FIELD FOR PURPOSES AS STATED PER USE LICENSE.

City of Modesto  
Parks, Recreation and Neighborhoods Department  
Cultural and Enterprise Services Division

## John Thurman Field BOOKING PROCEDURES

### A. Calendar Distance From Proposed Date

#### *Full Stadium or Full Concourse Rentals*

1. During Professional Baseball Season

Uses for John Thurman Field that use the entire stadium or the entire concourse and take place during the professional baseball season (approximately April 1 through September 7 of each year) will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. Outside of the Professional Baseball Season

Uses for John Thurman Field that use the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 13 months prior to the requested event date.

#### *Partial Stadium Rental*

1. During Professional Baseball Season

Uses for John Thurman Field use less than the entire stadium or the entire concourse and take place during the professional baseball season, approximately April first through September seventh of each year, will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. Outside of the Professional Baseball Season

Uses for John Thurman Field that use less than the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 6 months prior to the requested event date.

#### *Exceptions to the above are:*

Large date-specific events that do not occur during the professional baseball season may be guaranteed use dates up to five years prior to a selected event date at the sole discretion of John Thurman Field management. By definition date-specific events are those that are held on

specific dates and can not occur on another day because of the type or theme of the event. These tend to be holiday or other significant date events. Examples would be Halloween or the Fourth of July.

#### **B. Spacing of Similar Public Events**

At its sole discretion, John Thurman Field management will establish appropriate spacing for similar public events.

#### **C. Tentative Event Date Holds**

1. John Thurman Field management will hold tentative dates that are more than 13 months out until someone else requests the same date(s).
2. John Thurman Field will hold tentative dates that are less than 13 months out for a maximum of six weeks. If the prospective licensee does not call John Thurman Field staff and request a license for the tentative hold within the six-week period, the hold will automatically be dropped at the end of the six-week period.
3. Requests for the same event space on the same date are handled as follows:

The prospective licensee that has the date as a tentative will be notified. They will be required to make their deposit payment within two working days. If they fail to do so, their date will be released to the second party. The second party will then be required to make the deposit payment within two working days.

#### **D. License Deposit**

1. No license is valid unless it is returned to John Thurman Field staff with the specified deposit by the date specified on the license.
2. Half of the space rental rate will be required as a deposit, with these exceptions:
  - a. The minimum guaranteed rental will be required as deposit for percentage based and square foot rentals.
  - b. Licensees who hold more than three licenses in a calendar year may be allowed to submit one deposit to apply to all contracts. This deposit will be rolled over and held continually against future licenses at the conclusion of each event. It is understood with the above arrangement that the amount stated as deposit on each license will serve as damages for each event in the case that it is canceled. Despite the above arrangement, it is further understood that multiple cancellations may result in damages paid to John Thurman Field in excess of the original deposit payment.
  - c. At its sole discretion, management may elect to waive the deposit payment. Typically, this will be considered based on one or more of the factors below:
    - (1) Past successful events where dates were not canceled and all fees and charges were paid in a timely manner.
    - (2) Institutional financial stability; i.e., government and schools.

(3) Minimal entrepreneurial risk associated with the event.

3. In the case of cancellation of the event by the lessee or a default of license terms by the licensee causing the City to void the license, the City will retain the entire deposit as damages and bill the licensee for any and all out-of-pocket expenses incurred as preparation for the canceled event. Any notice of cancellation, with the exception of ticketed entertainment, must be received a minimum of 48 hours prior to event date or full rental will be charged. When an event is booked as ticketed entertainment, whether flat rate or percentage based, any cancellation notice must be received a minimum of one week prior to event date or full room rental will be charged.

When a date is canceled and rebooked within the same six-month period, half of the deposit will be retained by John Thurman Field as damages; additionally, the licensee will be billed for any and all out-of-pocket expenses incurred as preparation for the canceled date.

4. In cases when a licensee reduced the total number of spaces described in the license, the City will collect the standard deposit amount for the unused space instead of full rent.

**E. Cause to Deny John Thurman Field Use**

1. Failure to fully pay bills that were incurred in connection with another event at another facility, regardless of who had not been fully paid.
2. Failure to fully pay John Thurman Field settlement statements on or before the date specified on the license, including all rental fees, services, and other charges.
3. Failure to perform to the letter of John Thurman Field license agreement on a past event.
4. Damage to John Thurman Field or another facility in excess of normal wear, that was of an intentional or willful nature.
5. Past situations where a prospective less condoned, encouraged, or engaged in activities that were deemed dangerous or harmful or potentially dangerous or harmful to event attendees and/or employees of John Thurman Field or another facility.
6. Any event that is deemed potentially intrusive of the neighborhood that surrounds John Thurman Field.
7. When the proposed activity is deemed to be unlawful according to City, State, or Federal law.

**1/26/98**

City of Modesto  
John Thurman Field  
Rental Rates

Exhibit 3

	Square Feet	Capacity	Private			Non-Profit			Rehearsal	
			Rent	Cost per Person	Cost per Sq. Ft	Rent	Cost per Person	Cost per Sq. Ft	Private	Non-profit
Full Stadium		3,850	\$2,000	\$0.52	NA	\$1,400	\$0.36	NA	\$1,000	\$700
Baseball			NA	NA	NA	\$650	\$0.35	NA	NA	NA
Neece Picnic		540	\$425	\$0.79	\$0.06	\$300	\$0.56	\$0.04	\$210	\$150
Neece Concourse		940	\$735	\$0.78	\$0.06	\$515	\$0.55	\$0.04	\$370	\$260
Sunset Picnic		450	\$425	\$0.94	\$0.07	\$300	\$0.67	\$0.05	\$210	\$150
Sunset Concourse		800	\$735	\$0.92	\$0.07	\$515	\$0.64	\$0.05	\$370	\$260
Half Concourse		1,480	\$1,000	\$0.68	\$0.05	\$700	\$0.47	\$0.03	\$500	\$350
Entire Concourse		2,730	\$1,500	\$0.55	\$0.04	\$1,050	\$0.38	\$0.03	\$750	\$525
Parking			\$3-\$5 per vehicle			\$3-\$5 per vehicle				

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-239**

**A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING RE-BIDDING  
FOR THE PURCHASE AND ASSEMBLY OF TEN (10) GRANULAR  
ACTIVATED CARBON (GAC) UNITS**

WHEREAS, granular activated carbon (GAC) units are pressure vessels filled with granular activated carbon, and

WHEREAS, granular activated carbon is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, on February 24, 2004, in an effort to return inactive wells to service prior to the peak water use season, Council approved Resolution No. 2004-115, authorizing the Purchasing Supervisor to formally solicit bids for the purchase and assembly of nine (9) granular activated carbon (GAC) units for the Operations and Maintenance Department, Water Division for an engineer's estimated unit cost of \$80,000, and for an engineer's estimated combined total cost of approximately \$720,000, and

WHEREAS, the purchase of these vessels would provide treatment capability at four (4) priority wells; Well 225, 303, 21 and 8, and

WHEREAS, returning these wells to service, coupled with the completion of work on Well 65 (new well at Tank 5), Well 312 (new well in Empire), and the return to service of Well 50 (work already underway to install GAC treatment) will regain approximately thirty-six (36%) percent of the lost drinking water well production capacity, and

WHEREAS, on February 25, 2004, the Purchasing Division solicited Request for Bid No. 0304-19, for the purchase and assembly of nine (9) granular activated carbon

(GAC) units to three (3) vendors, plus posted the bid on the City's web site. The bid was also formally advertised by the City Clerk's Office, and

WHEREAS, during the bid process, the Operations and Maintenance Department, Water Division made a request to add one (1) additional GAC vessel for Well 303, and

WHEREAS, on March 5, 2004, Addendum No. 1 was issued adding one (1) additional GAC vessel, bringing the bid total to ten (10) GAC vessels, and

WHEREAS, on March 10, 2004, Addendum No. 2 was issued affording prospective bidders the opportunity to submit bids for vessels filled with either "Domestic" or "Foreign" GAC, or both, if they were capable of supplying both, and

WHEREAS, bids were opened in the City Clerk's Office on March 16, 2004, and

WHEREAS, of the three (3) vendors solicited, all chose to respond, and

WHEREAS, two (2) out of the three (3) vendors submitted responsive bids, providing the required number of signed original bid documents and copies per the bid requirements, and

WHEREAS, one (1) vendor Carbon Activated Corporation (CAC), submitted one (1) signed original bid marked "Foreign" and one (1) signed original bid marked "Domestic", along with four (4) required bid copies marked "Domestic", and

WHEREAS, based on the documents submitted it appeared as though Carbon Activated Corporation was submitting a bid for "Domestic" GAC, and

WHEREAS, a phone call was made to clarify Carbon Activated Corporation's bid intention, and

WHEREAS, Carbon Activated Corporation submitted an email stating that they had intended to bid "Foreign" GAC, and

WHEREAS, based on not submitting the Council required number of signed original bid documents for either “Foreign” or “Domestic” GAC, their bid was deemed to be non-responsive and was disqualified, and

WHEREAS, Carbon Activated Corporation filed a written protest to the Purchasing Supervisor, and

WHEREAS, the Purchasing Supervisor reviewed Carbon Activated Corporation’s written protest and supporting documents and responded in writing the following: This mandatory Purchasing Division formal bid requirement is based on direction from Council and is clearly stated in three (3) different sections within the bid document, and

WHEREAS, based on being directed by Council, the language is absolute and staff does not have the authority to disregard it, and

WHEREAS, in order to comply with Council policy ensuring the integrity of the bidding process, the Purchasing Division had no option but to reject the bid of the non-responsive vendor, and

WHEREAS, City staff recommends rejecting all bids for Request for Bid No. 0304-19 for the purchase and assembly of ten (10) granular activated carbon (GAC) units based on responsive bids received exceeding the engineer’s estimate. Staff also recommends authorizing the Purchasing Supervisor to re-bid for the purchase and assembly of ten (10) granular activated carbon units, and

WHEREAS, re-bidding is the recommended option because the responsive bid packages were significantly higher than the original engineer’s estimate. This is likely due to the steel shortage. According to industry experts, there has been an international

shortage of steel due to strong international economic growth in the past year. This situation has impacted the pressure vessel industry in multiple ways,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids for the purchase and assembly of ten (10) granular activated carbon (GAC) units.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to re-bid for the purchase and assembly of ten (10) granular activated carbon (GAC) units.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers Jackman


ABSENT: Councilmembers Hawn, O'Bryant

ATTEST:

  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-240**

**A RESOLUTION OPPOSING STATE SENATE BILL 1866, LEGISLATION  
RELATING TO POLICE MOTOR VEHICLE PURSUITS**

WHEREAS, the Council of the City of Modesto has considered the provisions of Senate Bill 1866 relating to police officer motor vehicle pursuits, and

WHEREAS, Senate Bill 1866 proposes the virtual elimination of police officer vehicle pursuits, and

WHEREAS, Senate Bill 1866, if passed into law, would eliminate immunity for law enforcement in civil claims related to police motor vehicle pursuits, and

WHEREAS, Senate Bill 1866, if passed into law, will greatly increase the City of Modesto's exposure to civil liabilities, and

WHEREAS, Senate Bill 1866, if passed into law, will allow for the potential escape of suspected dangerous felons,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is hereby strongly opposed to the passage of Senate Bill 1866 into law.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be sent to the author of Senate Bill 1866, Senator Aanestad, and to the City of Modesto's State representatives.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of May, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-241**

**A RESOLUTION REJECTING THE BID OF \$218,039 FROM D.A. WOOD CONSTRUCTION, INC., FOR THE PROJECT TITLED "PRESSURE MANHOLES EAST OF MORTON BOULEVARD AND 11TH STREET," AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE**

WHEREAS, the bids received for "Pressure Manholes East Of Morton Boulevard and 11th Street," were opened at 11:00 a.m. on April 6, 2004, and

WHEREAS, during the bid evaluation process staff determined that the sole bid unreasonably exceeded the Engineer's estimate. Therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for "Pressure Manholes east Of Morton Boulevard and 11th Street," opened in the office of the City Clerk on April 6, 2004, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-242**

**A RESOLUTION ACCEPTING THE BID AND AWARDING A \$265,672.50  
CONTRACT WITH RODGERS CONSTRUCTION & ENGINEERING CO., INC.,  
FOR THE PROJECT TITLED "HATCH ROAD IMPROVEMENTS AT DALLAS  
STREET INTERSECTION," AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE CONTRACT**

WHEREAS, the bids received for the Hatch Road Improvements at Dallas Street Intersection project were opened at 11:00 a.m., on April 6, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$265,672.50 received from Rodgers Construction & Engineering Co., Inc., be accepted as the lowest responsible bid and the contract be awarded to Rodgers Construction & Engineering Co., Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Rodgers Construction & Engineering Co., Inc., in the amount of \$265,672.50, and hereby awards Rodgers Construction & Engineering Co., Inc., the contract titled "Hatch Road Improvements at Dallas Street Intersection" for \$265,672.50.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-243**

**A RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET TO TRANSFER \$77,967 FROM THE 1410 FUND BALANCE TO CIP PROJECT (MY-1410-430-A014) FOR STREET WIDENING IMPROVEMENTS ALONG HATCH ROAD AT ITS INTERSECTION WITH DALLAS STREET**

WHEREAS, the bids received for the Hatch Road Improvements at Dallas Street Intersection project were opened at 11:00 a.m., on April 6, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$265,672.50 received from Rodgers Construction & Engineering Co., Inc., be accepted as the lowest responsible bid and the contract be awarded to Rodgers Construction & Engineering Co., Inc.,

WHEREAS, on February 24, 2004, the City Council passed Resolution No. 2004-108 amending the FY 2003-04 Capital Improvement Budget to reduce the Traffic Signals Modifications' CIP appropriation by \$80,640 and return those funds to the fund balance, and appropriate \$240,840 to the Capital Improvement Project for Street Widening Improvements along Hatch Road at its intersection with Dallas Street (MY-1410-430-A014), and

WHEREAS, the Acting Engineering and Transportation Director has determined that \$77,967 in additional funds is required to fully fund the construction of this project, and

WHEREAS, the Finance Department has indicated that there are sufficient funds in the Fund 1410 fund balance for the appropriation of this project within the FY 2003-2004 Capital Improvement Program Budget to fully fund MY-1410-430-A014,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves amending the FY2003-2004 Capital Improvement Budget to transfer \$77,967 from the CFF reserves to MY-1410-430-A014 to cover the increase in expenditure appropriation.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-244**

**A RESOLUTION ADOPTING AN INITIAL STUDY FOR THE HATCH ROAD IMPROVEMENTS AT DALLAS STREET INTERSECTION IN THE CITY OF MODESTO, AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT (ATTACHMENT B)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto adopted Resolution No. 2003-123 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

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

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 2003-29, reviewed the proposed Hatch Road Improvements at Dallas Street Intersection, which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and

WHEREAS, on February 8, 2004, the Engineering and Transportation Department caused to be published notification of the determination conferred in Initial Study 2003-29, pursuant to Public Resources Code Section 21092, and

WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 4th day of May, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA 2003-29 prepared for the proposed Hatch Road Improvements at Dallas Street Intersection project, a copy of which is attached hereto as **Attachment "B"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

- A. The proposed Hatch Road Improvements at Dallas Street Intersection project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the Hatch Road Improvements at Dallas Street Intersection project that were not previously examined in the General Plan Master EIR.
- C. No new or additional mitigation measures or alternatives will be required as a result of the proposed Hatch Road Improvements at Dallas Street Intersection that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the Hatch Road Improvements project at Dallas Street Intersection that requires specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project, as appropriate.
- E. This Initial Study, Environmental Assessment No. EA 2003-29 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**ATTACHMENT "B"**

**INITIAL STUDY**

**EA/ET 2003-29**

City of Modesto  
Initial Study

HATCH ROAD IMPROVEMENTS AT DALLAS STREET INTERSECTION

E.A./E.T. No: 2003-29

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 199082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

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

II. PROJECT DESCRIPTION

A. Project title:

Hatch Road Improvements at Dallas Street Intersection

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Melchor C. Funtila, Engineering and Transportation Department, (209) 571-5181

D. Project Location:

Along south side of Hatch Road and its intersection with Dallas Street

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

Planned Development Zone, P-D(542) per Ordinance No. 3188-C.S.. a City of Modesto ordinance amending Section 8-4-9 of the Zoning Map to rezone from low density Residential Zone, R-1 to Planned Development P-D(542) (Donald L. Sanders)

G. Zoning:

Planned Development Zone, P-D(542)

H. Description of Proposed Project:

This is an application to construct Hatch Road street widening improvements including asphaltic concrete paving, curbs, gutters, sidewalks, curb ramps, rockwells; and to relocate and modify the existing traffic signalization system at its intersection with Dallas Street. The street improvements and the traffic signalization system modification are required for coordination with the abutting existing convenience market/gas station and a future commercial development located on the southeast and southwest corners of the intersection of Hatch Road and Dallas Street.

The right-of-way and public utility easements dedications required for this widening has been completed and accepted by the City of Modesto through the Planned Development P-D 542 conditions of approval. Hatch Road is a designated Class C 4-lane expressway. The ultimate design of the roadway would follow Standard Detail No. 356 of the City of Modesto's Standard Specifications for a Class C 6-lane expressway at a minor collector.

The widening, modifications to the existing traffic signalization system and new traffic striping will help reduce stopping delay, increase traffic safety, and result in a reduction in air pollution. The proposed project will include improvements to the pedestrian phasing and crosswalks, vehicle detection, and other typical improvements associated with traffic signal installation.

I. Surrounding land uses:

The project is bounded on the North and Northwest by City of Modesto zoned R-1 lots and county village residential lots within Stanislaus County. The project is also bounded on the South by county zoned village residential lots and the Turlock Irrigation District (T.I.D.) Lateral No. 1. Southwest of the project are City of Modesto zoned R-1 lots. The Northeast area consists of county village residential lots.

J. Other public agencies whose approval is required:

None

### **III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

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

#### **A. Traffic and Circulation**

The project proposes public improvements consistent with the General Plan designation for this site. The project would be within existing rights-of-way. Land for public right of way and for public utility easements was dedicated by the adjacent landowner for public use. The ultimate design calls for a Class C 4-lane expressway per the General Plan Program Circulation and Transportation Diagram of Figure V-1. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

#### **B. Degradation of Air Quality**

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

#### **C. Generation of Noise**

The proposed project will create additional noise, but this additional noise is not significant in comparison to the general traffic noise on Hatch Road. The noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are therefore still valid.

#### **D. Loss of Productive Agricultural Land**

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) are still valid.

**E. Increased Demand for Water Supplies**

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through IV-5-13 are, therefore, still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are therefore still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

**I. Drainage, Flooding and Water Quality**

The proposed project will conform to the City's Standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V- 9-13) are, therefore, still valid.

**J. Increased Demand for Storm Drainage**

The proposed project will provide the necessary infrastructure to provide storm drainage to meet City Standards. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are, therefore, still valid.

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

The proposed project will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are therefore still valid.

**L. Increased Demand for Schools**

The proposed project will not create any additional demand for schools. The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed project will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project and its location in a highly-urbanized area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are therefore still valid.

**N. Increased Demand for Fire Services**

This project will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project and its location in a highly-urbanized area. In addition, the project provides for emergency access to meet City Standards. The Existing Conditions, Impacts

Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are therefore still valid.

**O. Generation of Solid Waste**

This proposed project will not result in any significant increase in the generation of solid waste in the context of the MEIR, because of the small size of the project and its location in a highly-urbanized area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are therefore still valid.

**P. Generation of Hazardous Materials**

This proposed project will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are therefore still valid.

**Q. Landslides and Seismic Activity**

This proposed project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are therefore still valid.

**R. Energy**

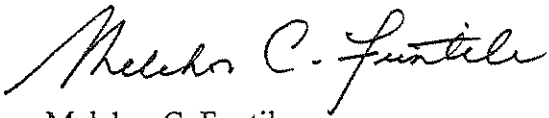
This proposed project will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

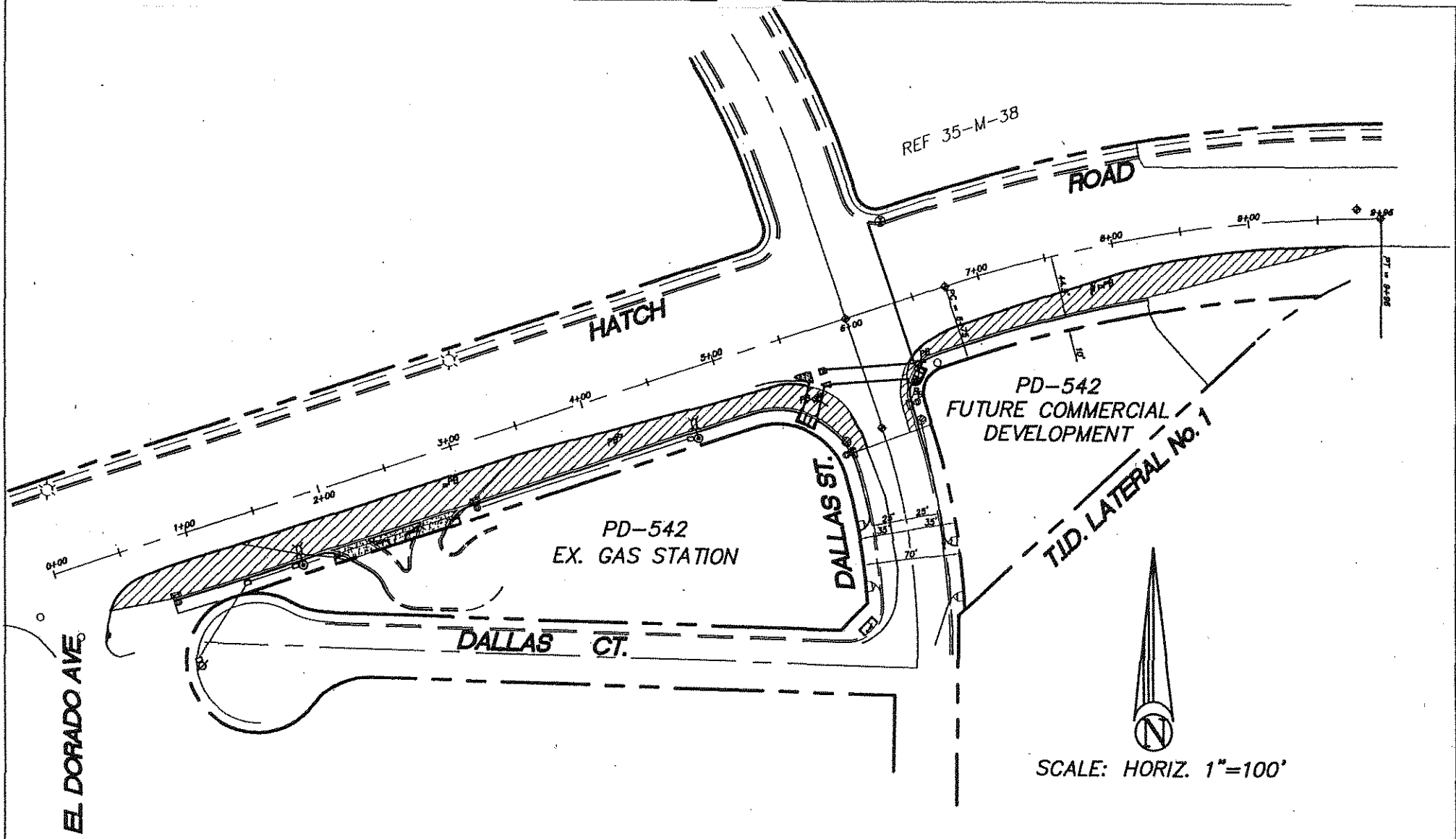
- A. The proposed Hatch Road Improvements at Dallas Street Intersection is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the Hatch Road Improvements at Dallas Street Intersection that were not previously examined in the General Plan Master EIR.

- C. No new mitigation measures or alternatives will be required as a result of the proposed Hatch Road Improvements at Dallas Street Intersection that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the Hatch Road Improvements at Dallas Street Intersection that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Melchor C. Funtila,  
Associate Civil Engineer



EL DORADO AVE

REF 35-M-38

ROAD

HATCH

PD-542  
FUTURE COMMERCIAL  
DEVELOPMENT

PD-542  
EX. GAS STATION

DALLAS ST.

DALLAS CT.

T.I.D. LATERAL No. 1



SCALE: HORIZ. 1"=100'

HATCH ROAD  
IMPROVEMENTS AT  
DALLAS STREET

# Bid Tabulation

Wednesday, April 14, 2004

## Project Title: Hatch Road Improvements at Dallas Street Intersection

Project ID #:	2004-012	Fund #:	1410
Vault ID #:	20-D-0603	Agency #:	160
Bid Opening:	4/6/2004 at 11:00 AM	Organization:	M195
Basis of Award:	By Base Bid	Designer:	Ed Eshoo
		Design Manager:	Mel Funtila

Project Description: Street improvement, signal and drainage improvements

Item #	Item Description	Units	Quantity	Unit Price	Extension
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### Low Bidder

#### Rodgers Construction & Engineer Co., Inc.

(209) 464-5780 1807 Navy Dr., Suite #1

Stockton CA 95206

#### Base Bid

1	Traffic Control & Construction Area Signs	LS	1	\$3,000.00	\$3,000.00
2	Clearing & Grubbing	LS	1	\$4,700.00	\$4,700.00
3	Sawcut existing pavement	LF	1050	\$1.00	\$1,050.00
4	Roadway excavation	CY	770	\$31.00	\$23,870.00
5	Curb drain inlet & rockwell	EA	4	\$6,300.00	\$25,200.00
6	Additional rockwell depth past 50 Feet	LF	80	\$40.00	\$3,200.00
7	Abandon existing rockwell	LS	1	\$3,000.00	\$3,000.00
8	Adjust utility covers	EA	1	\$750.00	\$750.00
9	Street lights	EA	2	\$6,100.00	\$12,200.00
10	6-inch vertical curb & gutter	LF	855	\$23.50	\$20,092.50
11	Concrete sidewalk	SF	7550	\$4.00	\$30,200.00
12	Driveway approach	EA	2	\$1,800.00	\$3,600.00
13	Curb ramps	EA	2	\$3,000.00	\$6,000.00
14	Aggregate base class 2	CY	510	\$32.00	\$16,320.00
15	Asphalt concrete (Type B; 1/2-inch Max.)	TON	510	\$49.00	\$24,990.00
16	Traffic signal	LS	1	\$72,000.00	\$72,000.00
17	Striping	LS	1	\$15,500.00	\$15,500.00

**Total:** \$265,672.50

**Percent From Engineer's Estimate:** 32.42%

Item #	Item Description	Units	Quantity	Unit Price	Extension
				Construction Contingency - 10 %	\$26,567.25
				Estimated Contract Total	\$292,239.75
				Construction Administration - 10 %	\$26,567.25
				Estimated Project Total	\$318,807.00

**A.C. General Engineering, Inc.**

(916) 390-2979 8994 Fruitridge Rd

Sacramento CA 95826

Base Bid

1	Traffic Control & Construction Area Signs	LS	1	\$6,000.00	\$6,000.00
2	Clearing & Grubbing	LS	1	\$3,950.00	\$3,950.00
3	Sawcut existing pavement	LF	1050	\$1.36	\$1,428.00
4	Roadway excavation	CY	770	\$40.00	\$30,800.00
5	Curb drain inlet & rockwell	EA	4	\$3,100.00	\$12,400.00
6	Additional rockwell depth past 50 Feet	LF	80	\$110.00	\$8,800.00
7	Abandon existing rockwell	LS	1	\$4,000.00	\$4,000.00
8	Adjust utility covers	EA	1	\$315.00	\$315.00
9	Street lights	EA	2	\$6,232.75	\$12,465.50
10	6-inch vertical curb & gutter	LF	855	\$27.50	\$23,512.50
11	Concrete sidewalk	SF	7550	\$3.40	\$25,670.00
12	Driveway approach	EA	2	\$5,480.00	\$10,960.00
13	Curb ramps	EA	2	\$2,000.00	\$4,000.00
14	Aggregate base class 2	CY	510	\$44.00	\$22,440.00
15	Asphalt concrete (Type B; 1/2-inch Max.)	TON	510	\$73.00	\$37,230.00
16	Traffic signal	LS	1	\$70,727.00	\$70,727.00
17	Striping	LS	1	\$15,801.00	\$15,801.00
				<b>Total:</b>	<b>\$290,499.00</b>
				<b>Percent From Engineer's Estimate:</b>	<b>44.79%</b>

**George Reed Inc.**

(209) 523-0734 P.O. Box 4760

Modesto CA 95352

Base Bid

1	Traffic Control & Construction Area Signs	LS	1	\$8,000.00	\$8,000.00
2	Clearing & Grubbing	LS	1	\$1,500.00	\$1,500.00
3	Sawcut existing pavement	LF	1050	\$1.00	\$1,050.00

Item #	Item Description	Units	Quantity	Unit Price	Extension
4	Roadway excavation	CY	770	\$49.00	\$37,730.00
5	Curb drain inlet & rockwell	EA	4	\$6,400.00	\$25,600.00
6	Additional rockwell depth past 50 Feet	LF	80	\$41.00	\$3,280.00
7	Abandon existing rockwell	LS	1	\$5,700.00	\$5,700.00
8	Adjust utility covers	EA	1	\$500.00	\$500.00
9	Street lights	EA	2	\$5,975.00	\$11,950.00
10	6-inch vertical curb & gutter	LF	855	\$20.00	\$17,100.00
11	Concrete sidewalk	SF	7550	\$3.50	\$26,425.00
12	Driveway approach	EA	2	\$1,400.00	\$2,800.00
13	Curb ramps	EA	2	\$1,500.00	\$3,000.00
14	Aggregate base class 2	CY	510	\$53.00	\$27,030.00
15	Asphalt concrete (Type B; 1/2-inch Max.)	TON	510	\$48.50	\$24,735.00
16	Traffic signal	LS	1	\$73,250.00	\$73,250.00
17	Striping	LS	1	\$25,000.00	\$25,000.00
<b>Total:</b>					<b>\$294,650.00</b>
<b>Percent From Engineer's Estimate:</b>					<b>46.86%</b>

### Professional Construction Services

(510) 526-0667 6509 Stockton Ave.

El Cerrito

CA 94530

#### Base Bid

1	Traffic Control & Construction Area Signs	LS	1	\$5,000.00	\$5,000.00
2	Clearing & Grubbing	LS	1	\$1,500.00	\$1,500.00
3	Sawcut existing pavement	LF	1050	\$1.32	\$1,386.00
4	Roadway excavation	CY	770	\$22.00	\$16,940.00
5	Curb drain inlet & rockwell	EA	4	\$12,750.00	\$51,000.00
6	Additional rockwell depth past 50 Feet	LF	80	\$180.00	\$14,400.00
7	Abandon existing rockwell	LS	1	\$7,000.00	\$7,000.00
8	Adjust utility covers	EA	1	\$3,000.00	\$3,000.00
9	Street lights	EA	2	\$4,500.00	\$9,000.00
10	6-inch vertical curb & gutter	LF	855	\$21.00	\$17,955.00
11	Concrete sidewalk	SF	7550	\$3.20	\$24,160.00
12	Driveway approach	EA	2	\$1,750.00	\$3,500.00
13	Curb ramps	EA	2	\$1,600.00	\$3,200.00
14	Aggregate base class 2	CY	510	\$53.00	\$27,030.00
15	Asphalt concrete (Type B; 1/2-inch Max.)	TON	510	\$79.00	\$40,290.00
16	Traffic signal	LS	1	\$66,000.00	\$66,000.00

Item #	Item Description	Units	Quantity	Unit Price	Extension
17	Striping	LS	1	\$18,400.00	\$18,400.00
<b>Total:</b>					<b>\$309,761.00</b>
<b>Percent From Engineer's Estimate:</b>					<b>54.39%</b>

### BDS Construction

(559) 665-5005 18448 Ave. 24

Chowchilla Ca 93610

#### Base Bid

1	Traffic Control & Construction Area Signs	LS	1	\$10,422.00	\$10,422.00
2	Clearing & Grubbing	LS	1	\$4,360.00	\$4,360.00
3	Sawcut existing pavement	LF	1050	\$1.60	\$1,680.00
4	Roadway excavation	CY	770	\$56.00	\$43,120.00
5	Curb drain inlet & rockwell	EA	4	\$5,278.00	\$21,112.00
6	Additional rockwell depth past 50 Feet	LF	80	\$176.00	\$14,080.00
7	Abandon existing rockwell	LS	1	\$4,692.00	\$4,692.00
8	Adjust utility covers	EA	1	\$354.00	\$354.00
9	Street lights	EA	2	\$6,833.00	\$13,666.00
10	6-inch vertical curb & gutter	LF	855	\$19.30	\$16,501.50
11	Concrete sidewalk	SF	7550	\$5.60	\$42,280.00
12	Driveway approach	EA	2	\$1,392.00	\$2,784.00
13	Curb ramps	EA	2	\$1,810.00	\$3,620.00
14	Aggregate base class 2	CY	510	\$56.00	\$28,560.00
15	Asphalt concrete (Type B; 1/2-inch Max.)	TON	510	\$82.00	\$41,820.00
16	Traffic signal	LS	1	\$77,535.00	\$77,535.00
17	Striping	LS	1	\$26,732.00	\$26,732.00
<b>Total:</b>					<b>\$353,318.50</b>
<b>Percent From Engineer's Estimate:</b>					<b>76.10%</b>

### Engineer's Estimate

#### Base Bid

1	Traffic Control & Construction Area Signs	LS	1	\$5,000.00	\$5,000.00
2	Clearing & Grubbing	LS	1	\$2,000.00	\$2,000.00
3	Sawcut existing pavement	LF	1050	\$5.00	\$5,250.00

Item #	Item Description	Units	Quantity	Unit Price	Extension
4	Roadway excavation	CY	770	\$12.00	\$9,240.00
5	Curb drain inlet & rockwell	EA	4	\$3,000.00	\$12,000.00
6	Additional rockwell depth past 50 Feet	LF	80	\$30.00	\$2,400.00
7	Abandon existing rockwell	LS	1	\$2,000.00	\$2,000.00
8	Adjust utility covers	EA	1	\$500.00	\$500.00
9	Street lights	EA	2	\$5,600.00	\$11,200.00
10	6-inch vertical curb & gutter	LF	855	\$15.00	\$12,825.00
11	Concrete sidewalk	SF	7550	\$3.00	\$22,650.00
12	Driveway approach	EA	2	\$1,000.00	\$2,000.00
13	Curb ramps	EA	2	\$1,000.00	\$2,000.00
14	Aggregate base class 2	CY	510	\$27.00	\$13,770.00
15	Asphalt concrete (Type B; 1/2-inch Max.)	TON	510	\$60.00	\$30,600.00
16	Traffic signal	LS	1	\$60,000.00	\$60,000.00
17	Striping	LS	1	\$7,200.00	\$7,200.00
				<b>Total:</b>	<b>\$200,635.00</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 245**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004  
ANNUAL BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

# REQUEST FOR BUDGET ADJUSTMENT

Contact Person: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_  
 Department: \_\_\_\_\_  
 Fund Title: \_\_\_\_\_

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: **03-04**  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u> 3 7300-030-6610-4971	n/a	\$3,890,000	\$524,115	\$4,414,115	Liability Premium Assessment

**APPROPRIATIONS**

<u>FROM</u> 7330-800-8000-8003 0100-800-8000-8003	0100R	\$200,000 (\$2,683,680)	(\$2,416,782) (\$524,115)	(\$2,216,782) (\$3,207,795)	Liability Fund Reserve General Fund Reserve
<u>TO</u> 7320-800-8000-8003 0100-510-9510-0162		\$500,000	\$2,940,897 \$524,115	\$3,440,897 \$524,115	Workers Compensation Fund General Fund

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u> 7330-700-7000-7732		\$500,000	\$2,416,782	\$2,916,782	Transfer out to Fund 7320
<u>TO</u> 7320-700-7000-9733	n/a	\$500,000	\$2,416,782	\$2,916,782	Transfer in from Fund 7330

**COMMENTS/JUSTIFICATION**

These transfers adjust claims expense in the Workers' Compensation and General Liability Funds to the "Expected Claims Loss" from the "75% Confidence Level". The Finance Committee informally approved this action at its March 22, 2004 meeting.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)	<i>Peggy Hetzler</i>	4-19-04
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

### REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Water Fund

FY: 03-04  
 Transfer No. \_\_\_\_\_

BT

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**APPROPRIATIONS**

<b>FROM</b>					
MY-6100-430-A021-6010	A021	\$240,000	(\$200,000)	\$40,000	Design
MY-6100-430-A024-6010	A024	\$400,000	(\$400,000)		Design
MY-6100-430-A024-6030	A024	\$250,000	(\$250,000)		Land Acq
MY-6100-430-A028-6010	A028	\$40,000	(\$40,000)		Design
MY-6100-430-A028-6040	A028	\$400,000	(\$250,000)	\$150,000	Construction
MY-6100-430-A028-6040	A028	\$40,000	(\$40,000)		Contingency
MY-6100-430-A028-6040	A028	\$20,000	(\$20,000)		Admin
MY-6100-430-A200-6010	A200	\$250,000	(\$100,000)	\$150,000	Design
MY-6100-430-M210-6010	M210	\$77,000	(\$76,022)	\$978	Design
MY-6100-430-M210-6040	M210	\$586,530	(\$565,998)	\$20,532	Construction
MY-6100-430-M210-6050	M210	\$70,000	(\$70,000)		Contingency
MY-6100-430-M210-6060	M210	\$53,000	(\$53,000)		Admin
MY-6100-430-N160-6030	N160	\$100,000	(\$99,611)	\$389	Land Acq
MY-6100-480-A022-6041	A022	\$550,000	(\$200,000)	\$350,000	O&M Construction
MY-6100-480-A042-6040	A042	\$250,000	(\$225,000)	\$25,000	Construction
MY-6100-480-A042-6050	A042	\$25,000	(\$25,000)		Contingency
MY-6100-480-M216-6010	M216	\$100,000	(\$41,758)	\$58,242	Design
MY-6100-480-Q214-6010	Q214	\$30,000	(\$30,000)		Design
MY-6100-480-Q214-6030	Q214	\$100,000	(\$99,000)	\$1,000	Land Acq
MY-6100-480-Q215-6030	Q215	\$150,000	(\$108,608)	\$41,392	Land Acq
04-6100-800-8000-8003	6100R	\$2,893,643	(\$2,893,997)	(\$354)	Water Fund Contingency
<b>TO</b>					
04-6100-800-8000-8003	6100R	(\$135,998)	\$2,893,997	\$2,757,999	Water Fund Contingency
MY-6100-430-A202-6010	A202	\$700,000	\$2,893,997	\$3,593,997	Design

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as either redundant or in need of reprioritizing in order budget for predesign work needed for MID Phase II. Projects A021 Ground Water Mgmt, A200 Water System Analysis, A022 Replace and Upgrade Water Mains, and A042 Satellite Corp Yard Wall have all reduced their budgets. Projects A024 Tank 10, A028 Retro Tank 2, M210 Extend New Water Mains, N160 Purchase Land Tank 10, M216 Expand Surface Water, Q214 Purchase land Tank 11, and Q215 Purchase Land Tank 12 will be closed since they fall under the scope of A202 MRWTP Phase II. All funds will be returned to Water fund Reserves then be reallocated based on the priority of the Phase II expansion to A202

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Water Fund

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

AT

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6100-480-J505-6040	J505	\$54,332	(\$49,222)	\$5,110	Construction
MY-6100-480-Q217-6010	Q217	\$27,000	(\$23,140)	\$3,860	Design
MY-6100-480-Q217-6040	Q217	\$273,000	(\$272,000)	\$1,000	Construction
MY-6100-480-Q217-6050	Q217	\$27,000	(\$27,000)		Contingency
MY-6100-480-Q217-6060	Q217	\$23,000	(\$23,000)		Construction Admin
MY-6100-430-A028-6040	A028	\$150,000	(\$150,000)		Design
04-6100-800-8000-8003	6100R	\$261,470	(\$544,362)	(\$282,892)	Water Fund Contingency Res
<b>TO</b>					
04-6100-800-8000-8003	6100R	(\$135,998)	\$547,468	\$411,470	Water Fund Contingency Res
MY-6100-430-A023-6010	A023	\$4,000	\$23,140	\$27,140	Design
MY-6100-430-A023-6041	A023	\$39,000	\$471,222	\$510,222	O&M Construction
MY-6100-430-A023-6050	A023	\$4,000	\$27,000	\$31,000	Contingency
MY-6100-430-A023-6060	A023	\$3,000	\$23,000	\$26,000	Construction Admin

**COMMENTS/JUSTIFICATION**

This adjustment is to close projects J505 Install GAC, Q217 Wellhead Treatment Well 21 and A028 Retro Tank2. In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as redundant needing to be closed and funds returned to reserves then reallocated to A023 Wellhead Treatment

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

### REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

**April Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6150-480-M223-6040	M223	\$30,000	(\$16,711)	\$13,289	Construction
MY-6150-800-8000-8003	6150R	\$332	(\$16,711)	(\$16,379)	Water Z2 Contingency
<b>TO</b>					
MY-6150-800-8000-8003	6150R	(\$16,379)	\$16,711	\$332	Water Z2 Contingency
MY-6150-430-M231-6041	M231		\$16,711	\$16,711	O7M Construction

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project M223 Drill Test Holes in Zone 2 to close and return to fund reserves and reallocate those monies to M231 Install New Wells.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Water

FY: 03-04  
 Transfer No. \_\_\_\_\_

**April Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
MY-6150-480-M225-6010	M225	\$25,000	(\$25,000)		Construction
MY-6150-800-8000-8003	6150R	\$8,621	(\$25,000)	(\$16,379)	Water Z2 Contengency
<u>TO</u>					
MY-6150-800-8000-8003	6150R	(\$16,379)	\$25,000	\$8,621	Water Z2 Contengency
MY-6150-430-A205-6010	A205	\$300,000	\$25,000	\$325,000	Design

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project M225 Expand Surface Treatment in Zone 2 to close and return to fund reserves and reallocate those monies to A205 MRWTP Phase II

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

### REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

**April Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6160-480-Q222-6010	Q222	\$20,000	(\$20,000)		Design
MY-6160-800-8000-8003	6150R	\$25,310	(\$20,000)	\$5,310	Water Z2 Contengency
<b>TO</b>					
MY-6160-800-8000-8003	6160R	\$5,310	\$20,000	\$25,310	Water Z3 Contengency
MY-6160-430-A035-6010	A035	\$40,000	\$20,000	\$60,000	Design

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project Q222 Ground Water Mgmt in Zone 3 to close and return to fund reserves and reallocate those monies to A035 Ground Water Mgmt Zone 3

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

### REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

**April Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
MY-6160-480-Q221-6010	Q221	\$13,000	(\$13,000)		Design
MY-6160-480-Q221-6040	Q221	\$125,000	(\$75,000)	\$50,000	Construction
MY-6160-480-Q221-6060	Q221	\$12,000	(\$12,000)		Admin
MY-6160-480-A034-6010	A034	\$8,000	(\$8,000)		Design
MY-6160-480-A034-6040	A034	\$86,000	(\$71,000)	\$15,000	Construction
MY-6160-480-A034-6060	A034	\$6,000	(\$6,000)		Admin
MY-6160-800-8000-8003	6150R	\$190,310	(\$185,000)	\$5,310	Water Z2 Contengency
<u>TO</u>					
MY-6160-800-8000-8003	6160R	\$5,310	\$185,000	\$190,310	Water Z3 Contengency
MY-6160-480-M242-6010	M242	\$40,000	\$21,000	\$61,000	Design
MY-6160-480-M242-6041	M242		\$146,000	\$146,000	O&M Construction
MY-6160-480-M242-6060	M242		\$18,000	\$18,000	Admin

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project Q221 Extend Water Mains and A034 Extend 12" Water Mains to close and return to fund reserves and reallocate those monies to M242 Replace and Upgrade existing Water Mains

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6100-480-M213-6040	M213	\$399,205	(\$33,539)	\$365,666	Construction
MY-6100-480-M213-6060	M213	\$24,000	(\$24,000)		Admin
MY-6100-480-M213-6010	M213	\$29,000	(\$25,770)	\$3,230	Design
MY-6100-480-A020-6010	A020	\$234,000	\$25,770	\$259,770	Design
MY-6100-480-A020-6041	A020		\$33,539	\$33,539	O&M Construction
MY-6100-480-A020-6060	A020	\$19,000	\$24,000	\$43,000	Admin
<b>TO</b>					
04-6100-800-8000-8003	6100R	(\$135,998)	\$83,309	(\$52,689)	Water Reserves
04-6100-800-8000-8003	6100R	(\$52,689)	(\$83,309)	(\$135,998)	Water Reserves

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project M213 Extend Mains Unspecified to close and return to fund reserves and reallocate those monies to A020 Extend Water Mains New Area

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

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**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person: Tracie Madison Council Action Date: \_\_\_\_\_  
 Telephone No.: 1-5855 Resolution Number: \_\_\_\_\_  
 Department: Finance  
 Fund Title: Water FY: 03-04  
 Transfer No. \_\_\_\_\_

**April Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6100-480-L052-6040	L052	\$60,000	(\$3,512)	\$56,488	Construction
MY-6100-800-8000-8003	6100R	\$3,512	(\$3,512)		Water Z1 Contengency
<b>TO</b>					
MY-6100-800-8000-8003	6100R		\$3,512	\$3,512	Water Z1 Contengency
MY-6100-480-M214-6041	M214		\$3,512	\$3,512	O7M Construction

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project L052 Drill Test Holes in Zone1 to close and return to fund reserves and reallocate those monies to M214 Install New Wells.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

**April Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6150-480-Q219-6010	Q219	\$35,000	(\$35,000)		Design
MY-6150-800-8000-8003	6150R	\$18,621	(\$35,000)	(\$16,379)	Water Z2 Contengency
<b>TO</b>					
MY-6150-800-8000-8003	6150R	(\$16,379)	\$35,000	\$18,621	Water Z2 Contengency
MY-6150-430-A030-6010	A030	\$70,000	\$35,000	\$105,000	Design

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project Q219 Ground Water Mgmt in Zone 2 to close and return to fund reserves and reallocate those monies to A030Ground Water Mgmt

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

PROPOSED BUDGET CHANGES TO MAKE THE BUDGET CONSISTENT WITH THE LTF CLAIM								
ACTION	FD	AG	ORG		Org Name	EXISTING	CHANGE	FINAL
TRANSFER TO	0700	700	L023	9051	TRAFFIC SIGNAL MODIFYS-NEW	\$ -	\$ 4,128	\$ 4,128
TRANSFER FROM	0510	700	L023	7070	TRAFFIC SIGNAL MODIFYS-NEW	\$ -	\$ 4,128	\$ 4,128
APPROPRIATION TO	0700	800	8000	8003	contingency	\$ 1,356,050	\$ 4,128	\$ 1,360,178
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (1,312,000)	\$ (4,128)	\$ (1,316,128)
TRANSFER TO	0700	700	Q208	9051	Upgrade High Voltage Circuits	\$ -	\$ 208,977	\$ 208,977
TRANSFER FROM	0510	700	Q208	7070	Upgrade High Voltage Circuits	\$ -	\$ 208,977	\$ 208,977
APPROPRIATION TO	0700	800	8000	8003	contingency	\$ 1,360,178	\$ 208,977	\$ 1,569,155
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (1,316,128)	\$ (208,977)	\$ (1,525,105)
TRANSFER TO	0700	700	Q001	9051	Pavement Maintenance	\$ -	\$ 660,815	\$ 660,815
TRANSFER FROM	0700	700	Q001	9051	Pavement Maintenance	\$ -	\$ 660,815	\$ 660,815
APPROPRIATION TO	0700	800	8000	8003	contingency	\$ 1,569,155	\$ 660,815	\$ 2,229,970
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (1,525,105)	\$ (660,815)	\$ (2,185,920)
TRANSFER TO	0700	700	4622	9010	TRAFFIC OPERATIONS	\$ -	\$ 457,025	\$ 457,025
TRANSFER FROM	0700	700	7000	9010	TRANSFER	\$ 457,025	\$ (457,025)	\$ -
TRANSFER TO	0100	700	4622	7070	TRAFFIC OPERATIONS	\$ -	\$ 457,025	\$ 457,025
TRANSFER FROM	0100	700	7000	7070	TRANSFER	\$ 457,025	\$ (457,025)	\$ -
TRANSFER TO	0700	700	4725	9051	CURB & SIDEWALK REPAIR	\$ 110,000	\$ 10,000	\$ 120,000
TRANSFER FROM	0510	700	4725	7070	CURB & SIDEWALK REPAIR	\$ 110,000	\$ 10,000	\$ 120,000
APPROPRIATION TO	0700	800	8000	8003	contingency	\$ 2,229,970	\$ 10,000	\$ 2,239,970
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (2,185,920)	\$ (10,000)	\$ (2,195,920)
TRANSFER TO	2300	700	M144	9051	Traffic Signal Modifications	\$ -	\$ 768,308	\$ 768,308
TRANSFER FROM	0510	700	M144	7230	Traffic Signal Modifications	\$ -	\$ 768,308	\$ 768,308
APPROPRIATION TO	2300	800	8000	8003	contingency	\$ 524,000	\$ 768,308	\$ 1,292,308
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (2,195,920)	\$ (768,308)	\$ (2,964,228)
TRANSFER TO	2300	700	Q206	9051	New Traffic Signals - Gas Tax	\$ -	\$ 3,712	\$ 3,712
TRANSFER FROM	0510	700	Q206	7230	New Traffic Signals - Gas Tax	\$ -	\$ 3,712	\$ 3,712
APPROPRIATION TO	2300	800	8000	8003	contingency	\$ 1,292,308	\$ 3,712	\$ 1,296,020
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (2,964,228)	\$ (3,712)	\$ (2,967,940)
TRANSFER TO	2300	700	M205	9051	Sisk Road - Evergreen to Dale	\$ -	\$ 742,125	\$ 742,125
TRANSFER FROM	2300	700	M205	7230	Sisk Road - Evergreen to Dale	\$ -	\$ 742,125	\$ 742,125
APPROPRIATION TO	2300	800	8000	8003	contingency	\$ 1,296,020	\$ 742,125	\$ 2,038,145
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (2,967,940)	\$ (742,125)	\$ (3,710,065)
TRANSFER TO	2300	700	N157	9051	MCHENRY MEDIAN LANDSCP IMPRV	\$ -	\$ 120,000	\$ 120,000
TRANSFER FROM	0510	700	N157	7230	MCHENRY MEDIAN LANDSCP IMPRV	\$ -	\$ 120,000	\$ 120,000
APPROPRIATION TO	2300	800	8000	8003	contingency	\$ 2,038,145	\$ 120,000	\$ 2,158,145
APPROPRIATION FROM	0510	800	8000	8003	contingency	\$ (3,710,065)	\$ (120,000)	\$ (3,830,065)

32

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Mark Murphy  
 Telephone No.: 577-5215  
 Department: Engineering & Transportation

Council Action Date: 3/23/2004  
 Resolution Number: \_\_\_\_\_

Fund Title: gas tax fund

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TOTAL</b>		\$	\$	\$	
<b>TO</b>					
<b>TOTAL</b>		\$	\$	\$	

**APPROPRIATIONS**

<b>FROM</b>					
MY-0700-800-8000-8003		\$1,356,050	(\$297)	\$1,355,753	decrease contingency
<b>TOTAL</b>		\$ 1,356,050	\$ (297)	\$ 1,355,753	
<b>TO</b>					
MY-0700-160-L921-6010	L921	\$12,000	\$297	\$12,297	increase to invoice
<b>TOTAL</b>		\$ 12,000	\$ 297	\$ 12,297	

**TRANSFERS BETWEEN FUNDS**

<b>FROM</b>					
<b>TOTAL</b>		\$	\$	\$	
<b>TO</b>					
<b>TOTAL</b>		\$	\$	\$	

<b>JOURNAL TOTAL</b>		\$ 1,368,050	\$	\$ 1,368,050	
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Final adjustments of the federal invoice required the increase of the budget to assure that the invoice will match the ledger

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-246A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE DISTRICT ANNEXATION NO. 1**

WHEREAS, this Council did, on March 23, 2004, adopt its Resolution No. 2004-146 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon; and

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

WHEREAS, a map of the Annexed Territory, entitled "Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 ("Village One #2)" was recorded on March 25, 2004, in the Office of the County Recorder of the County of Stanislaus, in Book 3 of Maps of Assessment and Community Facilities Districts, at page 86; and

WHEREAS, at the time and date set for the hearing (May 4, 2004) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by fifty percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory; and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form attached hereto as **Exhibit A**.

SECTION 6. Fewer than twelve (12) persons have been registered to vote within the Annexed Territory for each of the ninety (90) days preceding the close of the hearing

referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the owners of land in the Annexed Territory (collectively, the "Landowners"), the election shall be held on the 4<sup>th</sup> day of May, 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowners.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the landowners.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter, order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation.

SECTION 12. In order to amend the title on the map of the Annexed Territory heretofore approved by Resolution No. 2004-146, adopted by this Council on March 23, 2004, and thereafter recorded with the County Recorder in Book 3 of Maps of Assessment and Community Facilities Districts, at page 86, the City Clerk is directed to file with the County Recorder a map, hereby approved, entitled "Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California".

The City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code,

including a reference to the title, book, page and recording date of the original boundary map of the District, and a reference to the previously recorded map of the Annexed Territory.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

SAMPLE

OFFICIAL BALLOT

BALLOT NO. \_\_\_\_

CITY OF MODESTO  
COMMUNITIES FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)

ANNEXATION NO. 1

SPECIAL TAX ELECTION

May 4, 2004

\_\_\_\_% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT  
NUMBER OF VOTES ENTITLED TO BE CAST \_\_\_\_  
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED TO VOTE OF VOTERS

**Proposition A.** Shall existing special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-146, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 1)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on May 23, 2004, for the purposes set forth in the Resolution of Formation?

YES

NO

BALLOT NO. \_\_\_\_

\_\_\_\_% of land in territory proposed to be annexed to District  
THIS BALLOT HAS A VALUE OF \_\_ VOTES

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 246**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE MAY 4, 2004, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), AND ORDERING ANNEXATION OF THE TERRITORY TO THE DISTRICT (ANNEXATION NO. 1)**

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2004-146, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein [Annexation No. 1]" adopted on March 23, 2004, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2004-246A, adopted on May 4, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for May 4, 2004, relative to the foregoing; and

WHEREAS, on May 4, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

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

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2004-146 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of

Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CERTIFICATE OF CITY CLERK**

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-~~246~~<sup>A</sup> A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District, Annexation No. 1,” adopted on May 4, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on May 4, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

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

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2004-146, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 1)” (the “Resolution of Intention to Annex”) adopted by they City Council of the City of Modesto on May 23, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST:      YES 11      NO 0

  
\_\_\_\_\_  
Jean Zahr  
City Clerk of the City of Modesto

Dated: May 5, 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-247**

**A RESOLUTION DENYING AN APPEAL OF MR. ERIC REIMER AND MR. GREG DIAS TO A BOARD OF ZONING ADJUSTMENT DECISION GRANTING THE APPEAL OF MR. YOURA TARVERDI DETERMINING THAT A CONDITIONAL USE PERMIT IS NOT REQUIRED FOR CONTINUED USE OF THE PARKING AREA BEHIND 945 McHENRY AVENUE. (REIMER/DIAS)**

WHEREAS, Mr. Youra Tarverdi, the owner of “The Seasons”, formerly the Elks Lodge property at 945 McHenry Avenue, was advised by City staff that a Conditional Use Permit is required by the Modesto Municipal Code for the existing non-conforming parking area to continue to serve a changed use or occupancy, and

WHEREAS, after considerable exchange of correspondence between City staff and Mr. Tarverdi, as authorized by Section. 10-1.202(b) of the Modesto Municipal Code, an appeal was filed on February 11, 2004, to an administrative decision by a City official pertaining to the requirement for a Conditional Use Permit, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on March 25, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, Resolution No. 2004-10, the Board of Zoning Adjustment granted the appeal of Mr. Youra Tarverdi determining that a Conditional Use Permit is not required to continue use of the parking area for the property located at 945 McHenry Avenue, for the following reasons:

1. The subject parking area is established as a nonconforming use which “runs with the land,” and for which rights are not affected by change of ownership.

2. The Subject parking area, in serving the Elks Lodge, has for many years provided parking for restaurant use, catering, and large functions much like the current useage.
3. The subject parking area which is the nonconforming use will continue unchanged as a parking area serving the commercially zoned property

and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed with the office of the City Clerk on April 8, 2004 by Mr. Eric Reimer and Mr. Greg Dias, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on May 4, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that the appeal of Mr. Eric Reimer and Mr. Greg Dias to the decision of the Board of Zoning Adjustment should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reasons set forth in Board of Zoning Adjustment Resolution No. 2004-10, and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mr. Eric Reimer and Mr. Greg Dias to the decision of the Board of Zoning Adjustment granting the appeal of Mr. Youra Tarverdi to an administrative decision by a City official pertaining to the requirement for a Conditional Use Permit for a nonconforming parking area serving a change in use from a fraternal organization to a commercial use, property located at 945 McHenry Avenue, is denied, and the decision of

the Board of Zoning Adjustment is hereby affirmed for the reasons set forth in Board of Zoning Adjustment Resolution No. 2004-10 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR,

City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-248**

**A RESOLUTION IN SUPPORT OF AB 2318, PROPOSED LEGISLATION TO  
EXTEND CONFIDENTIALITY PROTECTIONS TO CITY AUDITORS EQUAL  
TO THOSE CURRENTLY HELD BY STATE AUDITORS.**

WHEREAS, State of California auditors currently possess confidentiality protections for their documents supporting audit reports and for persons providing confidential information, and

WHEREAS, city auditors do not possess these protections, and

WHEREAS, such protections would enhance the ability of city auditors to obtain confidential information in support of their work, and

WHEREAS, there is currently legislation proposed in the State Assembly that would remedy the lack of confidentiality protections for city auditors, and

WHEREAS, at its April 20, 2004, meeting the Audit Committee recommended that the Council approve a resolution in support of the aforementioned legislation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports Assembly Bill 2318 which provides confidentiality protections to the city auditors .

BE IT FURTHER RESOLVED that the City Clerk and Auditor, or her designee, is hereby authorized to communicate the Council's support for the aforementioned legislation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-249**

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

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

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

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District; and

WHEREAS, the territory to be annexed is within the City limits;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County

Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85, and the map related to Annexation No. 1 to the District, on file with said County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86.

SECTION 3. The territory proposed to be annexed to the District (the "Territory") is described in **Exhibit A**.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled "Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

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

SECTION 6. The special taxes to be levied in the District are also set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, June 22, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

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

SECTION 9. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
ANNEXATION NO. 2 TO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF HENDERSON COUNTY, CALIFORNIA, DISTRICT NO. 2004-1 (VILLAGE ONE #2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA. THE BOUNDARY MAP HAS BEEN PREPARED BY \_\_\_\_\_ OF \_\_\_\_\_ OF HENDERSON COUNTY AND COUNTY PLANNING DIRECTOR AT HENDERSON COUNTY, IN THE OFFICE OF THE COUNTY ENGINEER, OF THE COUNTY OF STANISLAUS, COUNTY OF CALIFORNIA.

BY: \_\_\_\_\_ CITY CLERK

DATE: \_\_\_\_\_

**PROPOSED BOUNDARIES OF ANNEXATION #2 TO  
CITY OF MODESTO, CALIFORNIA (VILLAGE ONE #2)**

CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF HENDERSON COUNTY, CALIFORNIA, DISTRICT NO. 2004-1 (VILLAGE ONE #2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA. THE BOUNDARY MAP HAS BEEN PREPARED BY \_\_\_\_\_ OF \_\_\_\_\_ OF HENDERSON COUNTY AND COUNTY PLANNING DIRECTOR AT HENDERSON COUNTY, IN THE OFFICE OF THE COUNTY ENGINEER, OF THE COUNTY OF STANISLAUS, COUNTY OF CALIFORNIA.

BY: \_\_\_\_\_ CITY CLERK

DATE: \_\_\_\_\_

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF HENDERSON COUNTY, CALIFORNIA, DISTRICT NO. 2004-1 (VILLAGE ONE #2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA. THE BOUNDARY MAP HAS BEEN PREPARED BY \_\_\_\_\_ OF \_\_\_\_\_ OF HENDERSON COUNTY AND COUNTY PLANNING DIRECTOR AT HENDERSON COUNTY, IN THE OFFICE OF THE COUNTY ENGINEER, OF THE COUNTY OF STANISLAUS, COUNTY OF CALIFORNIA.

BY: \_\_\_\_\_ CITY CLERK

DATE: \_\_\_\_\_

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF HENDERSON COUNTY, CALIFORNIA, DISTRICT NO. 2004-1 (VILLAGE ONE #2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA. THE BOUNDARY MAP HAS BEEN PREPARED BY \_\_\_\_\_ OF \_\_\_\_\_ OF HENDERSON COUNTY AND COUNTY PLANNING DIRECTOR AT HENDERSON COUNTY, IN THE OFFICE OF THE COUNTY ENGINEER, OF THE COUNTY OF STANISLAUS, COUNTY OF CALIFORNIA.

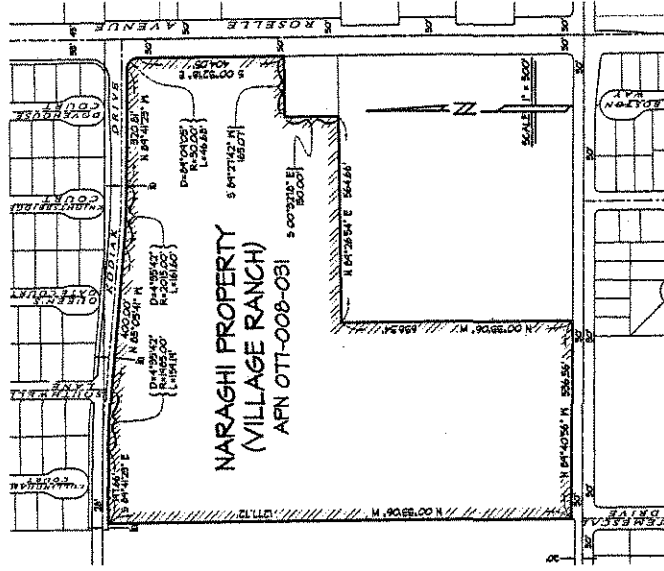
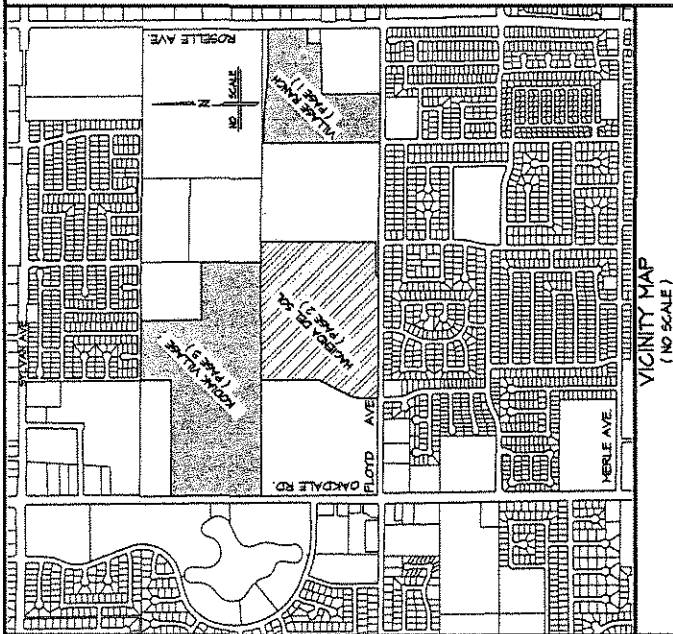
BY: \_\_\_\_\_ CITY CLERK

DATE: \_\_\_\_\_

**ANNEXATION MAP NO. 2 OF  
COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)**

CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

PREPARED BY:  
**DELAMARE-FULTZ**  
ENGINEERING AND SURVEYING  
241 TRAIL ROAD SUITE 400 MODESTO, CA 95350  
TELEPHONE (209) 538-1466



**LEGEND**  
----- BOUNDARY OF PROPERTY TO BE ANNEXED

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO  
SHOWING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004  
JEAN ZAIR, CITY CLERK

PRINT NAME \_\_\_\_\_  
AT THE HOUR OF \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004  
O'CLOCK \_\_\_\_\_ P.M.

IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY  
FACILITIES DISTRICTS AT PAGE(S) \_\_\_\_\_ IN THE OFFICE  
OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS,  
STATE OF CALIFORNIA.  
LEE LINDRISAN, COUNTY RECORDER OF THE  
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

I HEREBY CERTIFY THAT THIS MAP SHOWS THE PROPOSED BOUNDARIES OF ANNEXATION TO CITY  
OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY  
OF STANISLAUS, STATE OF CALIFORNIA. THIS MAP WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO  
AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.  
BY ITS RESOLUTION NO. \_\_\_\_\_

JEAN ZAIR, CITY CLERK

BY: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES  
DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF  
CALIFORNIA. THE BOUNDARY MAP FOR WHICH THIS MAP WAS RECORDED ON MARCH 16, 2004, IN BOOK 3 OF  
MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 88, IN THE OFFICE OF THE  
COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA. A MAP RELATED TO  
ANNEXATION NO. 1 TO THE DISTRICT WAS RECORDED ON MARCH 25, 2004, IN BOOK 3 OF MAPS OF  
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 88, IN THAT OFFICE.

JEAN ZAIR, CITY CLERK

BY: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

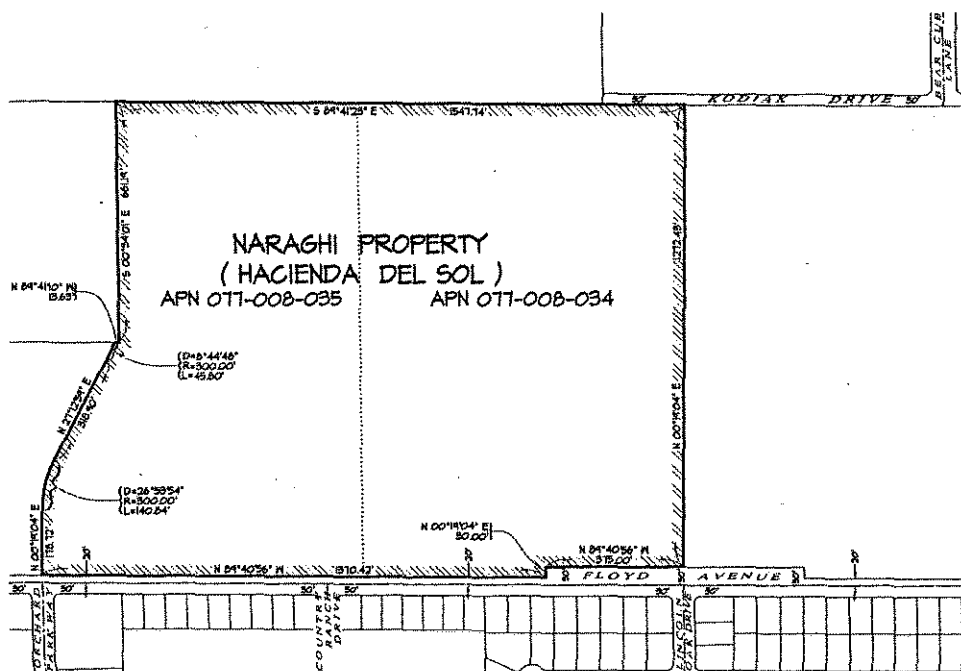
**ANNEXATION MAP NO.2 OF  
COMMUNITY FACILITIES DISTRICT NO.2004-1  
(VILLAGE ONE #2)**

CITY OF MODESTO,

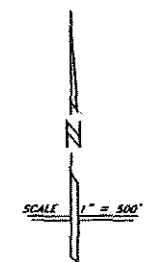
COUNTY OF STANISLAUS,

STATE OF CALIFORNIA

PREPARED BY:  
**DELAMARE-FULTZ**  
ENGINEERING AND SURVEYING  
3421 TULLY ROAD SUITE J MODESTO, CA. 95355  
TELEPHONE (209) 529-7450

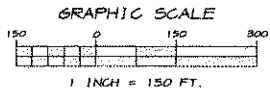


**LEGEND**  
 BOUNDARY OF PROPERTY TO BE ANNEXED



SHEET 2 OF 3 SHEETS

DATE: 07/11/2005 11:00 AM  
 DRAWN BY: J. DELAMARE-FULTZ  
 CHECKED BY: J. DELAMARE-FULTZ  
 PROJECT: ANNEXATION MAP NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)  
 SHEET: 2 OF 3



ANNEXATION MAP NO. 2 OF  
COMMUNITY FACILITIES DISTRICT NO. 2004-01  
(VILLAGE ONE #2)

CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

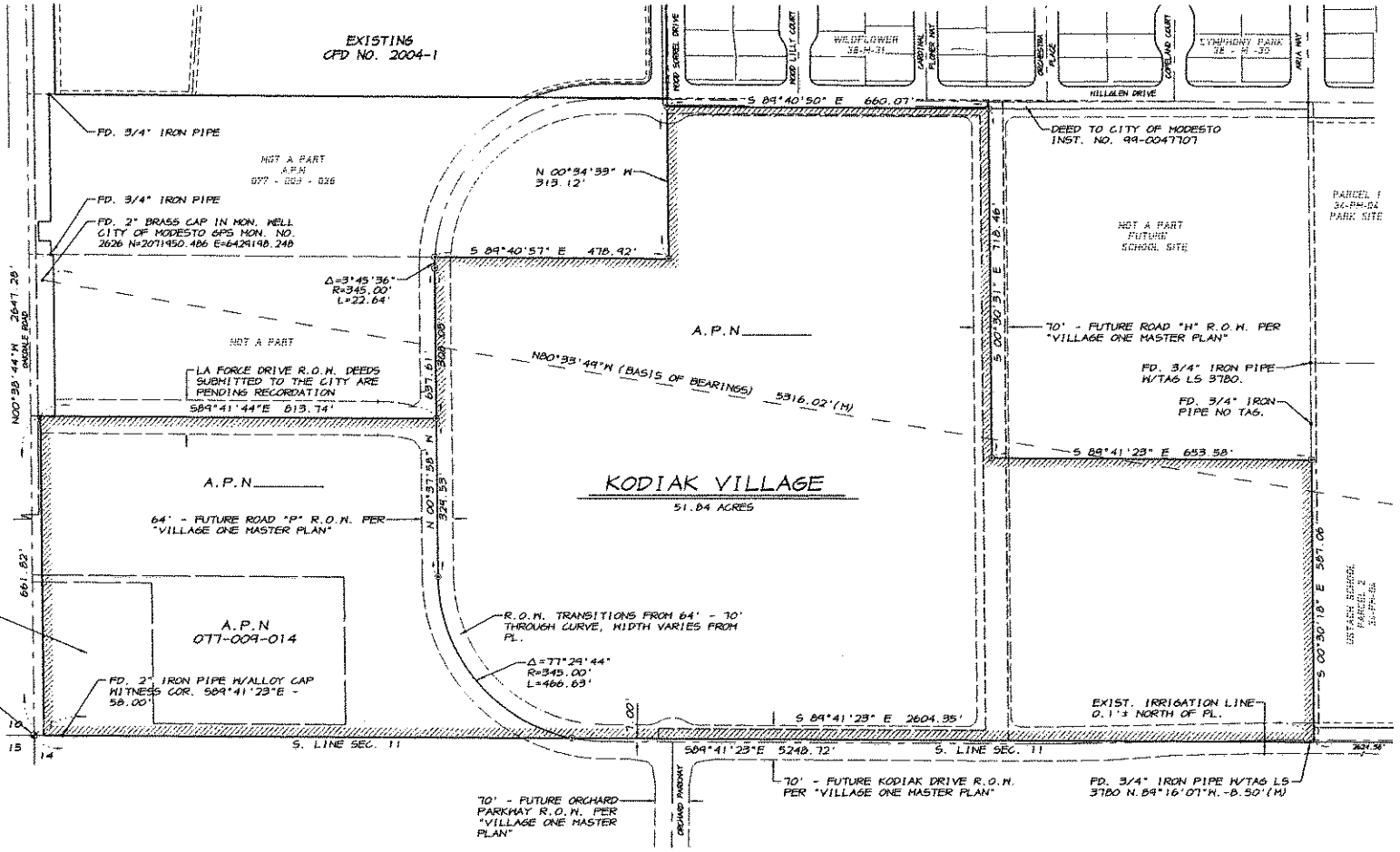
BASIS OF BEARINGS

THE BEARING OF SOUTH 80°33'44" EAST BETWEEN CITY OF MODESTO GPS MONUMENT NO'S 2626 AND 2627 AS CALCULATED FROM DATA SHOWN ON VOL. 22 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTE: THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY THE COMBINATION FACTOR (.999928797) TO OBTAIN GRID DISTANCES. BASED ON THE 1992 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD83) AS SHOWN ON REFERENCE (B).



**ASSOCIATED  
ENGINEERING GROUP, INC.**  
4206 TECHNOLOGY DRIVE • MODESTO, CALIFORNIA 95336  
PH: (209) 545-3390 • FAX: (209) 545-3875



LEGEND  
----- BOUNDARY OF PROPERTY TO BE ANNEXED

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-250**

**A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND TURNSTONE CONSULTING FOR PRELIMINARY WORK TO ASSIST IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED KAISER MEDICAL CAMPUS PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$160,450.00**

WHEREAS, Kaiser Permanente has applied for an amendment to the Kiernan Business Park Specific Plan, rezoning to a planned development zone, a development agreement, annexation and sphere of influence amendment to allow a 1.4 million square-foot medical campus and the annexation of 39 acres of adjacent business park land located on the west side of Dale Road north of Bangs Avenue (“Kaiser Medical Campus”), and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for projects, and

WHEREAS, the City has determined that an environmental impact report is required for the proposed Kaiser Medical Campus project, and

WHEREAS, on December 10, 2002, the City Council approved a list of environmental service providers, including the firm of Turnstone Consulting, to assist with the preparation of environmental impact reports and other environmental documents for the Kaiser Medical Campus project, and

WHEREAS, City staff selected Turnstone Consulting to prepare the environmental impact report for the Kaiser Medical Campus because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, City Staff anticipates that the EIR work will involve three contract phases, and

WHEREAS, on June 24, 2003, the City Council adopted Resolution No. 2003-298, approving an agreement with Turnstone Consulting for preliminary work to assist in the preparation of an environmental impact report (“EIR”) for the proposed Kaiser Medical Campus in an amount not to exceed \$130,793 (“Agreement”), and

WHEREAS, on October 28, 2003, the City Council adopted Resolution No. 2003-561, approving Amendment No. 1 to the Agreement with Turnstone Consulting for preparation of the Draft EIR in an amount not to exceed \$635,768.00, and

WHEREAS, during preparation of the Draft EIR issues arose that required additional analysis and services beyond the scope of Amendment No. 1 to the Agreement, requiring a further amendment to the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 2 to the Agreement between the City of Modesto and Turnstone Consulting Corporation to perform additional tasks related to the preparation of the Draft EIR, in an amount not to exceed \$160,450.00 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No. 2 to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Zahr  
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Michael D. Milich

Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-251**

**A RESOLUTION APPROVING THE FINAL MAP OF THE UDONA GROVE  
SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SUBDIVISION AGREEMENT WITH WILLIAM EUGENE BUCHTA AND  
CHARISSE RENEE BUCHTA, HUSBAND AND WIFE AS JOINT TENTANTS  
AND INDERJIT S. TOOR AND HARINDER S. TOOR, INDIVIDUALS**

WHEREAS, WILLIAM EUGENE BUCHTA and CHARISSE RENEE  
BUCHTA, husband and wife as joint tenants and INDERJIT S. TOOR and HARINDER  
S. Toor, individuals, are possessed of a tract of land situated in the City of Modesto,  
County of Stanislaus, consisting of 2.67 acres, known as the UDONA GROVE  
("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto on the 8<sup>th</sup> day of September, 2003, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that said final map be approved; that the dedications for streets and easements as shown  
thereon within the boundaries of said tract be accepted on behalf of the public for public  
use; and that the City Clerk be authorized to certify the map of said tract on behalf of the

City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-252**

**A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND  
TRANSPORTATION'S AUTHORITY TO ISSUE CHANGE ORDERS ON THE  
"INTERIOR IMPROVEMENTS – WASTEWATER COLLECTION  
MAINTENANCE BUILDING" PROJECT FROM 10 PERCENT (\$66,044.50) TO  
19 PERCENT (\$125,484.55) OF THE ORIGINAL CONTRACT PRICE WITH  
THE MCDONALD GLENN COMPANY**

WHEREAS, on January 6, 2004, the City Council awarded a \$660,445.00 contract to The McDonald Glenn Company to construct the "Interior Improvements – Wastewater Collection Maintenance Building" project, and

WHEREAS, the contractor started work on February 11, 2004, and

WHEREAS, additional work not included in the original bid needs to be added to the project to allow completion of a useable building that conforms to code requirements, and

WHEREAS, the cost of the extra work could be as high as an estimated \$125,484.55, an amount, which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of \$66,044.50,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 10 percent (\$66,044.50) to 19 percent (\$125,484.55) of the original contract price for the project entitled "Interior Improvements – Wastewater Collection Maintenance Building."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-253**

**RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET TO: 1) CLOSE PROJECT ACCOUNT NUMBER 6210-480-L074, PRIMARY CLARIFIER SCUM MIXING, (PROJECT COMPLETED) AND RETURN \$88,000 TO THE WASTEWATER RESERVES; AND 2) APPROPRIATE \$88,000 MOVED TO THE WASTEWATER RESERVES TO PROJECT ACCOUNT NUMBER 6210-480-F743-6040, WASTEWATER COLLECTION MAINTENANCE BUILDING, THEREBY FULLY FUNDING THE PROJECT TITLED "INTERIOR IMPROVEMENTS – WASTEWATER COLLECTION MAINTENANCE BUILDING"**

WHEREAS, on January 6, 2004, the City Council awarded a \$660,445 contract to The McDonald Glenn Company to install the interior improvements in the Wastewater Maintenance Building exterior shell constructed under a previous contract, and

WHEREAS, items needing to be included in the project were excluded when the project was split into two phases, resulting in added construction costs not originally provided for in the project account, and

WHEREAS, the items of work now need to be added to the contract by change order, and

WHEREAS, a shortage of funds will occur once the change orders are executed, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2003-2004 Capital Improvement Budget to: (1) Close project account number 6210-480-L074, Primary Clarifier Scum Mixing, (project

completed) and return \$88,000 to the Wastewater Reserves; and (2) appropriate \$88,000 moved to the Wastewater Reserves to project account number 6210-480-F743-6040, Wastewater Collection Maintenance Building, thereby fully funding the project titled "Interior Improvements – Wastewater Collection Maintenance Building."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-254**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$59,989.85 CONTRACT WITH INDUSTRIAL FENCE, FOR THE PROJECT TITLED "THOUSAND OAKS LIFT STATION FENCE," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT, INCLUDING DESIGN, CONTRACT ADMINISTRATION AND CONTINGENCIES, IS \$84,000**

WHEREAS, the bids received for the Thousand Oaks Lift Station Fence were opened at 11:00 a.m. on April 20, 2004, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$59,989.85 received from Industrial Fence, be accepted as the lowest responsible bid and the contract be awarded to Industrial Fence,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$59,989.85, and hereby awards Industrial Fence, the contract titled "Thousand Oaks Lift Station Fence ."

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-2004-255**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$599,555.00 CONTRACT WITH INDUSTRIAL ELECTRICAL, FOR THE PROJECT TITLED "EMERGENCY POWER ADDITION AT WATER WELLS 25, 43, 225, 282, 298, 299, 302, AND 313," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS \$725,000.**

WHEREAS, the bids received for the Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302, and 313 were opened at 11:00 a.m. on April 27, 2004, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$599,555 received from Industrial Electrical, be accepted as the lowest responsible bid and the contract be awarded to Industrial Electrical,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Industrial Electrical, in the amount of \$599,555, and hereby awards Industrial Electrical, the contract titled "Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302, and 313" for \$599,555.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-256**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR THE FURNISHING OF ELEVATOR PREVENTATIVE MAINTENANCE SERVICE AND REPAIR, "CITYWIDE", FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$56,985**

WHEREAS, the Operations and Maintenance Department, Building Services and Building Engineering Divisions have requested elevator preventative maintenance service and repair, on the City's elevators, and

WHEREAS, services shall consist of scheduled preventative maintenance, and service and repair, on an "as needed basis", and

WHEREAS, elevator maintenance is requested to ensure top performance on the operating systems of the City's elevators, and

WHEREAS, the current service agreement for preventative maintenance service and repair will expire on June 30, 2004, and

WHEREAS, by authorizing the Purchasing Supervisor to solicit formal request for bids, for a three (3) year agreement, with two (2) one-year extension options, the City will achieve the best value possible for elevator preventative maintenance service and repair, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for elevator preventative maintenance service and repair, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit formal request for bids as follows:

SECTION 1. The City Clerk shall call for public competitive sealed bids for the furnishing of elevator preventative maintenance service and repair, for a three (3) year agreement, with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-257**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR UNIFORMS AND LAUNDRY SERVICES FOR AN INITIAL ONE-YEAR CONTRACT PERIOD, WITH FOUR (4) ONE-YEAR CONTRACT EXTENSION OPTIONS, FOR AN APPROXIMATE ANNUAL TOTAL COST OF \$114,637**

WHEREAS, the Operations and Maintenance Department and Engineering and Transportation Department has requested the purchase of uniforms and laundry services, and

WHEREAS, Article 23 of the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) details Dress and Grooming criteria for Non-Sworn City employees, and

WHEREAS, subsection (c) of the article requires employees in the following classifications to wear uniform cap and shirts provided by the City: Storekeeper, Senior Storekeeper, Maintenance Worker I/II, Parks Crew Leader, Maintenance Mechanic-Parks, Equipment Operator, Tree Trimmer, Tree Trimmer Crew Leader, Maintenance Mechanic-Pumps, Equipment Crew Leader, Water Distribution System Operator, WWC System Operator, Electrical Technician I/II, Assistant Electrician, Electrician, Custodian I/II, Civil Engineering Technical I/II/II, and

WHEREAS, the City is also required to provide coveralls, pants, and rain gear for certain employees, dependent upon classification, and

WHEREAS, the City also provides uniforms for certain classifications of Management and Confidential Employees, including Operations and Maintenance Supervisor, Custodial Supervisor, Land Surveyor, Plant Maintenance Supervisor,

Secondary Treatment Facilities Supervisor, Electrical Supervisor, and WQC Operations Supervisor, and

WHEREAS, the combined estimated total cost of this purchase is \$114,637 on an annual basis, and

WHEREAS, the Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases exceeding \$50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, by soliciting competitive proposals the City will achieve the best value for uniforms and laundry services and meet the City's requirements for formal bidding, and

WHEREAS, at its March 22, 2004, meeting the Financed Committee gave unanimous approval to move this request for authorization to issue Request for Proposal (RFP) on to Council for review,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a Request for Proposals for uniforms and laundry services for a initial one-year period, with four (4) one year contract extensions options, for approximate annual cost of \$114,637 as follows:

SECTION 1. The City Clerk shall call for public competitive sealed proposals for uniforms and laundry services to be opened in the office of the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

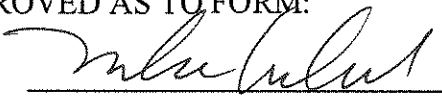
ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-258**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACTS FOR CONCRETE BOXES AND COVERS, CAST IRON COVERS AND FRAMES, AND RELATED ACCESSORIES FOR A ONE-YEAR PERIOD TO THE FOLLOWING VENDORS: KENKO UTILITY OF TRACY, CA. FOR A TOTAL APPROXIMATE ANNUAL COST OF \$122,445; GROENIGER OF MODESTO, CA. FOR A TOTAL APPROXIMATE ANNUAL COST OF \$548; AND GENERAL PLUMBING OF SONORA CA. FOR A TOTAL APPROXIMATE ANNUAL COST OF \$320. THE COMBINED TOTAL APPROXIMATE ANNUAL COST IS \$123,312**

WHEREAS, the Finance Department, Central Stores Division has requested the purchase of concrete boxes and covers, cast iron covers and frames, and related accessories for a one-year period, and

WHEREAS, the Central Stores Division of the Finance Department operations is responsible for maintaining inventory for concrete boxes and covers, cast iron covers, and related accessories for use by all City-departments for City projects, and

WHEREAS, Resolution No. 2004-057 authorized the solicitation of bids for concrete boxes and covers, cast iron covers and frames, and related accessories, and

WHEREAS, out of sixteen (16) vendors solicited, four (4) chose to respond, and

WHEREAS, bids were evaluated per Specification 0304-15 and awarded on a line by line item basis, and

WHEREAS, Kenko Utility of Tracy, Ca. is the lowest responsive and responsible bidder for items 1-14, 16-25, and 27-30 on RFB 0304-15 for a total approximate annual cost of \$122,445, and

WHEREAS, Groeniger of Modesto, CA. is the lowest responsive and responsible bidder for item 26 on RFB 0304-15 for a total approximate annual cost of \$548, and

WHEREAS, General Plumbing of Sonora, CA. is the lowest responsive and responsible bidder for item 15 on RFB 0304-15 for a total approximate annual cost of \$320, and

WHEREAS, the total approximate annual cost for concrete boxes and covers, cast iron covers and frames, and related accessories is \$123,312,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contracts for concrete boxes and covers, cast iron covers and frames, and related accessories for a one-year period for a total approximate annual cost is \$123,312,

BE IT FUTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue purchase orders for concrete boxes and covers, cast iron covers and frames, and related accessories to the following vendors: Kenko Utility of Tracy, Ca for a total approximate annual cost of \$122,445; Groeniger of Modesto CA. for a total approximate annual cost of \$548; and General Plumbing of Sonora, CA. for a total approximate annual cost of \$320.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-259**

**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO SUBMIT A FORMAL  
BID TO PROVIDE FIRE APPARATUS MAINTENANCE TO THE STANISLAUS  
CONSOLIDATED FIRE PROTECTION DISTRICT.**

WHEREAS, Stanislaus Consolidated Fire Protection District is in need of fire apparatus maintenance, and

WHEREAS, Stanislaus Consolidated Fire Protection District approached the City of Modesto Fire Department and requested that the City of Modesto Fire Department submit a formal bid for apparatus maintenance, and

WHEREAS, the Modesto Fire Department currently employs two full-time Fire Apparatus Mechanics with the required skills to provide the maintenance and service requested by the Stanislaus Consolidated Fire Protection District, and

WHEREAS, if Stanislaus Consolidated Fire Protection District were to accept the City of Modesto's bid, the Modesto Fire Department would need to hire one additional Fire Apparatus Mechanic with a cost to the City of approximately \$70,000 annually, and

WHEREAS, the revenue received by providing apparatus maintenance to the Stanislaus Consolidated Fire Protection District could exceed the cost of the additional Fire Apparatus Mechanic, and provide revenue to the City of Modesto, and

WHEREAS, if the City of Modesto Fire Department bid is selected by Stanislaus Consolidated Fire Protection District, there would be the possibility of additional contracts with surrounding fire departments for the City of Modesto Fire Department, which would be a revenue generating venture for the City of Modesto, and

WHEREAS, the Safety and Communities Committee accepted staff's recommendation to submit a formal bid to the Stanislaus Consolidated Fire Protection District at its May 3, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Fire Chief to submit a formal bid to the Stanislaus Consolidated Fire Protection District for apparatus maintenance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-260**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF  
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW  
VILLAGE) CALLING A SPECIAL ELECTION ON A PROPOSITION TO  
AMEND THE EXISTING RATE AND METHOD OF APPORTIONMENT OF  
THE SPECIAL TAX**

WHEREAS, the City Council of the City of Modesto (the “City Council”) acting as the legislative body of the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the “Community Facilities District”), has determined that the rate and method of apportionment of the special tax (the “Rate and Method”), currently described in Ordinance 3339-C.S. adopted by the City Council on December 11, 2003 (“Ordinance 3339-C.S.”) and approved by the qualified electors within the Community Facilities District at a special election held on December 11, 2003 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the “Act”), should be changed as set forth in **Exhibit A** to Resolution No. 2004-173 (the “Rate and Method Amendment”); and

WHEREAS, the boundaries of the Community Facilities District are as depicted on the boundary map recorded with the County Recorder in the book of maps of assessment and community facilities districts in Book 3AM, at Page 83, as Instrument No. 03-0190347 (the “Map”); and

WHEREAS, the City Council has determined in accordance with the requirements of Section 53331 of the Act that the public convenience and necessity require the Community Facilities District to consider the Rate and Method Amendment; and

WHEREAS, the City Council has adopted Resolution No. 2004-173 (the “Resolution of Consideration”) expressing its intention to consider the proposed Rate and Method

Amendment and has conducted a public hearing on May 11, 2004 as required by Section 53338 of the Act after mailing a public notice as required by Section 53335 of the Act; and

WHEREAS, the proposed Rate and Method Amendment has not been precluded by a majority protest pursuant to Section 53337 of the Act; and

WHEREAS, the City Council now desires to submit to the qualified electors within the Community Facilities District a proposition regarding the proposed Rate and Method Amendment substantially in the form set forth in Section 3 below;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE) DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council finds and determines that written protests to the proposed Rate and Method Amendment, or any other matters set forth in the Resolution of Consideration, are insufficient in number and in amount under the Act, and the City Council hereby further orders and determines that all protests to the proposed Rate and Method Amendment, or the extent thereof, or any other matters set forth in the Resolution of Consideration, are hereby overruled.

SECTION 3. A special election on the proposed Rate and Method Amendment shall be and is hereby called and ordered to be held in the Community Facilities District on the date established pursuant to Section 6 below, at which election the following proposition shall be submitted to the qualified electors:

PROPOSITION A: Shall the amended and restated rate and method of apportionment of special tax set forth in Resolution No. 2004-173 adopted by the City Council of the City of Modesto as the legislative body of the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the "Community Facilities District") replace the existing rate and method of apportionment for the Community Facilities District and be levied for the purposes set forth in Resolution No. 2003-660?

Section 4. If the proposition set forth in Section 3 receives the approval of more than two-thirds (2/3) of the votes cast on such proposition, then such proposition will take effect.

Section 5. The City Council has heretofore found that fewer than twelve persons have been registered to vote within the territory of the Community Facilities District for the ninety days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the landowners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

Section 6. The date of the election shall be May 11, 2004, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk not later than 9:00 p.m. on May 11, 2004; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

Section 7. The form of the ballot for the election is attached hereto as **Exhibit A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

Section 8. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 9:00 p.m. on May 11, 2004 whether said ballots shall be personally delivered or received by mail.

Section 9. There is on file with the City Clerk a written instrument executed by the sole qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of approving the Rate and Method Amendment and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT A**  
**OFFICIAL BALLOT**  
**CITY OF MODESTO**  
**COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE)**

**May 11, 2004**

**SPECIAL ELECTION**

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 9:00 p.m. on May 11, 2004, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95353.

**INSTRUCTIONS TO VOTERS:**

To vote on the measure, make a "+", "x" or other distinguishing mark on the line after the word "Yes" or on the line after the word "No." If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

PROPOSITION A: Shall the amended and restated rate and method of apportionment of special tax set forth in Resolution No. 2004-173 adopted by the City Council of the City of Modesto as the legislative body of the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the "Community Facilities District") replace the existing rate and method of apportionment for the Community Facilities District and be levied for the purposes set forth in Resolution No. 2003-660?

YES \_\_\_\_\_

NO \_\_\_\_\_

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Sections 53326(a) and 53327(b) of the Mello-Roos Community Facilities Act of 1982.

DEL VALLE CAPITAL CORPORATION, INC.

By \_\_\_\_\_

Number of Votes: 82

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-261**

**RESOLUTION DECLARING THE RESULTS OF A SPECIAL ELECTION ON A PROPOSITION TO ALTER THE EXISTING RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE) AND CHANGING SAID RATE AND METHOD**

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the "Community Facilities District"), called and duly held an election of the Community Facilities District pursuant to resolutions adopted by the City Council on May 11, 2004 for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for the replacement of the existing rate and method of apportionment of special tax (the "Existing Rate and Method") with a new rate and method of apportionment of special tax (the "Amended Rate and Method"); and

WHEREAS, there has been presented to the City Council a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns, a copy of which is attached hereto as **Attachment "A"**; and

WHEREAS, the City Council has now determined to adopt this resolution of change in accordance with Section 53338(b) of the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the "Act");

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2003-1 (Fairview Village), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. Two-thirds or more of the votes cast by the qualified electors of the Community Facilities District at the special election held on May 11, 2004 on the Proposition were cast in favor of the Proposition, and the Proposition carried.

SECTION 3. The City Council hereby determines that the Amended Rate and Method Amendment is lawfully authorized and that the Existing Rate and Method has been changed and the Amended Rate and Method Amendment is now in effect. The City Council further finds and determines that the apportionment of the special tax as set forth in the Amended Rate and Method Amendment is apportioned to each parcel in accordance with the requirements of Section 53325.3 of the Act and is not apportioned on or based upon the ownership or value of real property and that all proceedings with respect to the authorization of the Rate and Method were valid and in conformity with the requirements of the Act.

SECTION 4. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County an amended notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

ATTACHMENT "A"

CERTIFICATE OF CITY CLERK  
AS TO RESULTS OF THE CANVASS OF ELECTION RETURNS

STATE OF CALIFORNIA )

) ss.

COUNTY OF STANISLAUS )

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the "Community Facilities District"). With my concurrence, the election was conducted on May 11, 2004. On or prior to said date I had mailed or caused to be personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to May 11, 2004 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

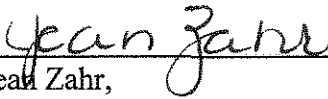
I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: 82

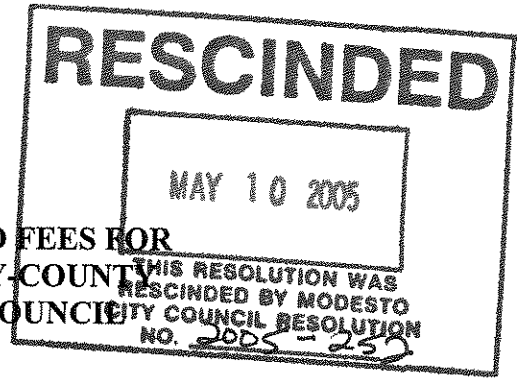
NO: 0

TOTAL NUMBER OF VOTES CAST: 82

Dated this 11<sup>th</sup> day of May, 2004.

  
\_\_\_\_\_  
Jean Zahr,  
City Clerk of the City of Modesto

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-262**



**A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR  
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY  
AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL  
RESOLUTION NO. 2003-267**

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, the during the past year the Consumer Price Index (CPI) of the western United States, which is used as the measurement for airport rates and fees adjustment increased at a rate of two and one-tenths percent (2.1%), and

WHEREAS, the Modesto City-County Airport Advisory Committee recommended adoption of the 2.1% rate increase at its meeting on March 17, 2004, and

WHEREAS, the Economic Development Committee considered the rate increase at their meeting on April 7, 2004 and recommended the City Council increase general aviation, hangars, offices, and tie-downs by 2.1%, and

WHEREAS, by an agenda report to the City Council from the Acting Engineering and Transportation Director dated April 22, 2004, City staff recommended a rate increase of 2.1% for aircraft hangars, office space, and tie-down rentals, and

WHEREAS, a duly noticed public hearing was held by the Council on May 11, 2004 at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing all interested persons were given the opportunity to be heard relative to the proposal to increase the rates and charges for the Modesto City-County Airport's aircraft hangars, office space, and tie-down rentals,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(1) T-Hangars

Hangar A	.....	\$114/*\$141 unit per month
End Units	.....	\$133/*\$158 unit per month
Hangar B	.....	\$139/*\$164 unit per month
End Units	.....	\$172/*\$197 unit per month
Hangar C	.....	\$146/*\$173 unit per month
End Units	.....	\$177/*\$202 unit per month
Hangar D	.....	\$131/*\$156 unit per month
End Units	.....	\$155/*\$182 unit per month
Hangar E	.....	\$191 unit per month
End Units	.....	\$223 unit per month
Hangar F	.....	\$191 unit per month
End Units	.....	\$223 unit per month
Hangar G	.....	\$191 unit per month
Hangar H	.....	\$191 unit per month
Hangar I	.....	\$373 unit per month
Hangar J	.....	\$191 unit per month
Hangar K	.....	\$214 unit per month
End Unit	.....	\$321 unit per month
Storage	.....	\$76 per month
Portable Land Rent	.....	\$56 unit per month
*T-Hangar A – D with electrical service		

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

(b) Storage Hangars:

Hangar No. 1	....	\$1,399.00 – Sheriff Aero Squadron lease rate (is discounted to \$950.00 per month)
Hangar No. 2	....	\$1,167.00 per month
Hangar No. 3	....	\$615.00 per month

Hangar No. 4	....	\$1,046.00 per month
Hangar No. 5	....	\$1041.00 per month
Hangar No. 6	....	\$610.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$35.00 per month
- (b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$56.00 per month
- (c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) \$.041 per square foot per month
- (d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft \$6.00 per day
- (e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) \$8.00 per day
- (f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) \$12.00 per day
- (g) Jets – \$12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

- (a) Old Administration Building ..... \$.77 per square foot
- (b) Office Building No. 1 ..... \$.77 per square foot
- (c) Office Building No. 2 ..... \$.77 per square foot
- (d) Hangar Office Space ..... \$.348 per square foot

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket counter ..... \$.067 per square foot
- (b) Other areas ..... \$.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING

PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters - \$10.00 per landing
- (b) All large single and multi-engine aircraft – \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing
- (c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display &amp; Telephone</u>
7.5" x 9.5"	\$30.00	\$50.00
7.5" x 21"	\$35.00	\$55.00
19" x 21"	\$40.00	\$60.00

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service ..... \$.50 per page
- (b) Outgoing Service ..... Area code 209 - \$1.00 per page  
Other area codes - \$2.00 first page  
\$1.50 - all other pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2004, the rents, fees and charges set forth in Sections 1, 2, and 4 of this resolution may be adjusted annually as of the first day of July.

Said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2004, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 2004.

SECTION 17. SUPERSEDE. This resolution rescinds Council Resolution No. 2003-267.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-263**

**A RESOLUTION APPROVING THE CITY OF MODESTO DRAFT 2004-2005  
HUD ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE RELATED NECESSARY DOCUMENTS.**

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

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

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

WHEREAS, submittal of an Annual Action Plan is required to receive the City's entitlement grants from HUD, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its April 23, 2004 meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 11, 2004, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2004-2005 HUD Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004-2005 HUD Annual Action Plan as presented to the Council for the

Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and the Emergency Shelter Grant (ESG) is hereby approved, and a copy of said HUD Annual Action Plan is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2004-2005 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-264**

**A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CITY OF  
MODESTO 2003-2004 HUD ANNUAL ACTION PLAN.**

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

WHEREAS, on May 13, 2003, by Resolution No. 2003-241, the City Council approved the 2003-2004 HUD Annual Action Plan, and on December 11, 2003, by Resolution No. 2003-654, the City Council approved the first amendment to the 2003-2004 HUD Annual Action Plan, and

WHEREAS, since then, staff has determined that changes should be made to programs and services provided to better meet the needs of the citizens of Modesto, and

WHEREAS, City staff has proposed a second amendment to the 2003-2004 HUD Annual Action Plan, and said proposed second amendment is as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to the community of the proposed second amendment to the 2003-2004 HUD Annual Action Plan, and to provide a 30-day comment period, which began April 9, 2004, and ended on May 11, 2004, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) considered the proposed changes to the 2003-2004 HUD Annual Action Plan at its April 23, 2004, meeting, and recommended that the City Council approve the second amendment to the 2003-2004 HUD Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 11, 2004, to consider approval of the proposed second amendment to the 2003-2004 HUD Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed second amendment to the 2003-2004 HUD Annual Action Plan as presented to the Council is hereby approved, and a copy of said second amendment to the 2003-2004 HUD Annual Action Plan is attached hereto as **Exhibit "A"** and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute any documents with respect to the second amendment to the 2003-2004 HUD Annual Action Plan be submitted to the U.S. Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that any and all documents necessary to implement the Action Plan shall require further Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**DRAFT**

**DRAFT**

# City of Modesto Annual Action Plan



Fiscal Year 2004-2005

Community Development Block Grant  
HOME Investment Partnership Grant  
Emergency Shelter Grant

April 2004

Prepared by the:  
Parks, Recreation and Neighborhood Department  
1010 Tenth Street, Suite 4300  
Modesto, CA 95353  
209-577-5247

**CITY OF MODESTO  
EXECUTIVE SUMMARY AND ANNUAL ACTION PLAN  
FOR FISCAL YEAR 2004-2005**

**I. INTRODUCTION**

This document serves as the City of Modesto's 2004-2005 Annual Action Plan, updating the most recent 5-Year Consolidated Plan submitted to the U.S. Department of Housing & Urban Development (HUD). The Consolidated Plan covers the years 2000 to 2005, and was approved by the City Council on June 27, 2000.

The 5-Year Consolidated Plan analyzes the City's housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes a long-term strategy for meeting those needs. In addition to the development of a broad policy framework, the Consolidated Plan also addresses how the City will utilize funding from three different entitlement grants to meet those needs: The Community Development Block Grant (CDBG), the HOME Investment Partnership Grant (HOME), and the Emergency Shelter Grant (ESG). In general, these funds must be used to revitalize low-income neighborhoods, assist disadvantaged populations by providing adequate public facilities and services, generate affordable housing opportunities, and implement effective strategies to reduce and end homelessness.

As part of the consolidated planning process, HUD requires the submission of an Annual Action Plan that details the proposed activities, projects and expenditures for the three entitlement grants, using the goals and priorities of the 5-Year Consolidated Plan as a guide. The Annual Action Plan must also describe all anticipated resources for the coming year that may be used to address the variety of housing and community development needs in the jurisdiction. The Annual Action Plan for the coming year is due to HUD by May 31, 2004.

Citizen participation is a key component of the consolidated planning process. The federal regulations implementing the three entitlement grants discussed above require that the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input to the goals and priorities that should be reflected in the plan, as well as the specific types of activities that will be funded. The Citizen Participation Calendar shown on Appendix A, outlines the meetings, public hearings and application deadlines used as part of the preparation of the 2004-2005 Annual Action Plan.

The primary oversight of the City's HUD entitlement grant programs comes from the Citizens Housing and Community Development Committee (CH&CDC). This committee, appointed by the City Council and chaired by the Mayor, has representatives of various other City committees (Community Development and Housing, Planning Commission, Housing Rehabilitation Loan Committee, etc.), as well as a Stanislaus County Supervisor's delegate representing the low-income areas in the City. In addition, at-large seats, generally representing low-income and racial minority groups, fill out the 11-member committee.

Staff from the Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood Services Division, provides day-to-day administration of the programs.

## II ENTITLEMENT PROGRAM GOALS AND REQUIREMENTS

As previously mentioned, the City of Modesto is an “entitlement” grantee for three programs administered by HUD: the Community Development Block Grant (CDBG), the HOME Investment Partnership Grant (HOME), and the Emergency Shelter Grant (ESG). As an entitlement grantee, the City is eligible to receive a specified amount of funding under each program annually, based upon a variety of socioeconomic and housing data.

Each grant is authorized under a specific law and a set of implementing regulations that must be followed in the execution of funded projects, as follows:

- Community Development Block Grant: Title I of The Housing and Community Development Act of 1974, 24 CFR Part 570
- HOME Investment Partnership Grant: Title II of the Cranston-Gonzalez National Affordable Housing Act in 1990, 24 CFR Part 92
- Emergency Shelter Grant: Subtitle B of Title IV of The Stewart B. McKinney Act, 24 CFR Part 576

The CDBG funds must be used to primarily benefit low- and moderate-income persons in accordance with the following major goals:

- ***Provide decent housing:*** this includes assisting homeless persons in efforts to obtain affordable, stable housing; retention of affordable housing stock; and increasing the stock of housing affordable to low- and moderate-income persons.
- ***Provide a suitable living environment:*** includes efforts to improve the safety and livability of neighborhoods; increasing access to quality facilities and services; revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural or aesthetic reasons; and conserving energy resources.
- ***Expand economic opportunities:*** may include programs to create jobs accessible to low- and moderate-income persons; providing job development and skill training; and providing assistance for persons living in assisted and public housing to achieve self-sufficiency.

In the CDBG program, a minimum of 70% of funds expended for the goals listed above must benefit individuals or households who are in the low- and moderate-income level. The remainder of funds may be used for the following eligible activities:

- ***Program Administration and Planning & Capacity Building:*** Up to 20% of the total of the grant plus program income is to be used for necessary costs to meet the administrative requirements of the grant. The regulations require grantees to provide program management, coordination, monitoring, reporting, evaluation, citizen participation, and fair housing activities. Costs include not only payroll for staff directly involved in carrying out the grant, but also items such as public notices, printing of documents, public meetings, office space rent, computer leases, and internal costs such as legal review of program documents, technology support, and accounting services.

- ***Preventing or Eliminating Slums or Blight:*** A carryover from the Urban Renewal Program, which was replaced by CDBG, these activities may address major slum and blight problems through clearance, abatement of toxic materials, facade improvements, elimination of code violations (including housing), and rehabilitation of buildings to eliminate specific conditions detrimental to public health and safety.
- ***Other Urgent Community Development Needs:*** To be eligible, conditions must exist that pose a serious and immediate threat to the health or welfare of the community, are of a recent origin, and there are no other funding sources available to address the need. This might cover such items as a flood or earthquake, when local resources are depleted, and other Federal programs cannot cover the entire cost of the project.

The **HOME** program is the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households. Among the items that HOME funds can pay for are:

- Construction or rehabilitation of housing for rent or ownership
- Site acquisition or improvement
- Down Payment Assistance (American Dream Down Payment Initiative Program)
- Home purchase or rehabilitation financing assistance
- Tenant-Based Rental Assistance
- Demolition of dilapidated housing to make way for HOME-assisted development

Those who benefit from HOME assistance must meet certain eligibility and compliance requirements; these vary with the nature of the funded activity:

- In rental projects with five or more assisted units, at least 20% of the units must be occupied by families with incomes that do not exceed 50% of the HUD adjusted median
- For rental housing and rental assistance, a minimum of 90% of benefiting families must have incomes that are no more than 60% of the HUD-adjusted median family income for the area
- HOME-assisted rental housing must comply with certain rent limitations
- The income of households receiving HOME assistance must not exceed 80% of the area median

**ESG** funds must be used to assist persons who are homeless or at great risk of becoming immediately homeless. Funds can be used to:

- Provide certain essential services to homeless individuals and families, so that these persons have access not only to a safe and clean shelter, but also access to the supportive services and other kinds of assistance needed to improve their situations and move them from homelessness to stable housing
- Help meet the cost of operating those shelters
- Help improve the quality of existing emergency shelters for the homeless, and provide for additional emergency shelters, including rehabilitation of existing buildings
- The ESG program is also intended to help reduce the number of persons becoming homeless through preventive programs and services

### III ESTIMATED FUNDING

A. The 2004-2005 Annual Action Plan is based upon the following estimated revenues:

<u>Revenue Source</u>	<u>Estimated Revenue</u>
CDBG Entitlement	\$2,854,000
CDBG Program Income	\$200,000
CDBG Revolving Loan Program Income	\$180,000
CDBG Revolving Loan Reprogramming	\$1,750,000
HOME Entitlement	\$1,375,817
HOME American Dream Down Payment Initiative (ADDI) - FY03-04	\$116,089
HOME Program Income	\$100,000
ESG Entitlement	<u>\$105,715</u>
<b>Total Estimated Revenues</b>	<b>\$6,681,621</b>

In the above chart, *entitlement* refers to the annual grant amount received by the City through formula allocation, *program income* refers to revenue received through payments of principal and interest on loans made through the program, *revolving loan fund* refers to the special fund established for housing maintenance loans that is replenished through the payment of principal and interest on loans originating from that fund, *reprogramming* refers to a portion of a previous year's funds that was not spent, and is now being reprogrammed for a different activity than the one it was previously obligated for.

B. The following summarizes proposed activities and funding totals by category for all three entitlement grants for 2004-2005 in accordance with total estimated revenue available. A complete description of each activity can be found in Section VI, categorized by the IDIS project it will be funded under.

<u>Activity Category</u>	<u>Funding Amount</u>
Housing Development, Preservation, and Homeownership	\$3,201,228
Infrastructure & Public Improvements	\$1,313,337
Neighborhood Preservation & Stabilization	\$298,416
Economic Development	\$24,573
Public Services (CDBG, RLF & ESG)	\$673,258
Program Administration & Planning (includes Fair Housing)	\$759,809
Loan Repayment	\$361,000
RLF Interest Payment	<u>\$50,000</u>
<b>Total Funding</b>	<b>\$6,681,621</b>

C. Leveraging of Other Funding Sources for Housing and Community Development Projects:

#### Redevelopment Funds:

The City of Modesto's Redevelopment Agency, by law, must allocate 20% of its tax increment proceeds to affordable housing. The agency has already determined allocation priorities through the adoption of the Agency's Housing Implementation Plan in December 1999. It is anticipated that the Agency will have available approximately \$2.9 million in FY 2004-2005 to allocate to

affordable housing projects in the downtown area. Potential projects would include mixed-used housing as well as mixed-use land uses. The Community and Economic Development Department administers these funds.

American Dream Down Payment Initiative (ADDI) Program:

This is a new program, approved by Congress and sponsored by President Bush. This program is designed to help more residents become first time homebuyers. The program will be incorporated into the City's existing Down Payment Assistance Program. The total funds allocated in 2004-2005 are \$116,089 (\$53,251 for FY03-04 plus \$62,838 for FY04-05).

Section 108 Loan Guarantee:

In fiscal year 2003-2004, the City of Modesto requested \$4.5 million in Section 108 Loan Guarantee funds from HUD to finance:

- \$3.1 million for the construction of the Neighborhood Center at Marshall Park, a joint service facility for police, fire and recreational services; and
- \$1.4 million for the renovation and expansion of the Maddux Youth Center.

These projects will provide safety services, as well as family and youth services to a low-income area located in the western sector of Modesto. These projects are described in more detail in Section V of this plan.

State of California CalHome Funds:

In fiscal year 2003-2004, the City of Modesto applied for and received \$300,000 in CalHome funds from the State of California to apply to the Down Payment Assistance Program. Due to delays in the award announcements and contract administration at the State level, the funds have not been available during this FY03-04. The City of Modesto and the California Department of Housing and Community Development are working on the contracts and set up of this program. Most of the funds will be available during FY04-05 to fund down payment loans.

State of California Job Housing Balance Funds:

Besides the above-mentioned Cal Home funds from the State of California, the City of Modesto also received \$166,485 in Job-Housing Balance Funds. These funds were put towards the construction and remodeling costs of the Maddux Youth Center and the Neighborhood Center at Marshall Park. These funds will help insure that both project are fully funded and of top quality when completed. These projects are described in more detail in Section V of this Plan.

Housing Opportunities for Persons with AIDS (HOPWA):

The Housing Opportunities for Persons with AIDS (HOPWA) program is authorized by the AIDS Housing Opportunity Act (AHOA) and amended by the Housing and Community Development Act of 1992. The program is designed to provide States and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with acquired immune-deficiency syndrome or related diseases and their families. The program authorizes entitlement grants and competitively awarded grants for housing assistance and services. The City of Modesto does not receive HOPWA funds through the entitlement process as it does with CDBG, HOME and ESG. The Stanislaus County Ryan White Consortium is the agency that receives HOPWA funds locally. For fiscal year 2004-2005, the Consortium expects to receive approximately \$114,378. Through an RFP process, these funds will be allocated to a local service provider to pay for housing-related costs. Funds are also allocated to Doctor's Medical Foundation for administration of the program.

### Private Resources:

The use of private resources (such as debt financing, equity, owner cash, sweat equity, expertise, materials, donations, land and buildings) is an essential component of the City's attempt to maximize all available means to accomplish the wide variety of housing and community development goals. For example, in the City's Housing Rehabilitation Program in mandatory Target Area Four, only 24% of the units rehabilitated have been completed with CDBG financing. The individual owners have financed the remaining 76% of the households. Developers of affordable housing projects also typically use state and federal tax credits as equity for the development of both senior and multi-family rental housing for very low- and low-income households. Both private conventional lenders and governmental lenders such as CHFA, FHA, and FNMA have provided and are anticipated to continue to provide private funding.

#### D. Matching Requirements

The City of Modesto will provide the required 25% match for HOME funds by continuing to require HOME recipients to provide other sources of funding for the HOME-assisted project, including private financing, as well as waiver or deferral of development fees, per City Council policy for Affordable Housing projects. In addition, the City has accumulated a match surplus from previous HOME-assisted projects. Some of the match credit on the books resulted from waived and deferred development fees.

For the ESG program, the City requires that ESG recipients provide the required 100% match for the funds they receive. Typically, the City is able to generate significantly more match than the amount required, through the contributions of both grants and in-kind costs by local nonprofit organizations providing services to homeless families and individuals. The agencies providing the match for the coming year are the Center for Human Services, Interfaith Ministries and the Children's Crisis Center.

#### IV. ON-GOING ACTIVITIES AND RESOURCES FROM PREVIOUS YEARS

At this time, the City is not programming any new activities under the revenue category of "CDBG Reprogramming". Once the fiscal year is closed in June 30, 2004, and the actual amount of carryover is known, the City will make decisions regarding reprogramming any unspent funds for new activities, and would include those in an amendment to the 2004-2005 Annual Action Plan.

#### V. SUMMARY OF PRIORITIES AND OBJECTIVES FOR THE 2004-2004 ACTION PLAN

As a result of the community input meetings held in March, and the participation of a variety of interested persons and agencies in the process, the following areas have been identified as priorities for the upcoming year:

- ***Focusing on Concerns of Persons in Low-Income Neighborhoods:*** In March, staff convened a series of meetings in low- and moderate- income neighborhoods to solicit residents' views on the use of HUD funds in their neighborhoods. As a result of their input, the objectives in this area for the coming year are as follows:

- ✓ Support neighborhood groups' efforts to eliminate slum and blight through assistance to organize and fund neighborhood clean-up efforts;
  - ✓ Update and renovate community facilities, such as the kitchen in the King-Kennedy Memorial Center and the Maddux Youth Center, as these are widely-used by residents in the neighborhood;
  - ✓ Assist with efforts to reduce illegal dumping by working with neighborhood groups and citizens on notification programs and education on the City's solid waste programs;
  - ✓ Continue with infrastructure improvements in low-income neighborhoods, including street paving, installation of curbs, gutters, and sidewalks.
  - ✓ Strongly market and fund the Housing Rehabilitation Program, to preserve existing housing stock and to prevent further decline of older neighborhoods;
  - ✓ Provide financial support for neighborhood-based groups, as appropriate, to assist with Asset Based Community Development.
- ***Continued Efforts to Develop and Facilitate Construction of Affordable Housing:*** The City of Modesto continues to suffer from a crisis of not having enough affordable housing for its citizens. The costs of housing, both in terms of homeownership and the rental market, have skyrocketed in the past several years, while job and wage growth have not kept pace. Those on fixed incomes, including seniors and those receiving other forms of public assistance, are the most affected. There is also a low vacancy rate in the rental market, further compounding the problem. Objectives will include:
    - ✓ Ensuring citizens participation in the planning process for affordable housing developments;
    - ✓ Continuing to educate citizens about quality affordable housing developments that have been and are being built, to neutralize the "not in my backyard" syndrome. Successful NIMBYism has halted development in the past, and can unfairly restrict housing choice;
    - ✓ In fiscal year 2003-2004, the City made major modifications to the Down Payment Assistance Program, including raising the maximum loan amount to \$60,000 to ensure the program was keeping pace with the housing market. Staff will continue to monitor the program closely as well as monitoring the housing market to make sure the program can benefit as many first-time homebuyers as possible while protecting the City's investment;
    - ✓ Identifying and certifying additional Community Housing Development Organizations (CHDO) to utilize available HOME funds;
    - ✓ Working closely with the City's Redevelopment Agency to ensure that Housing Set-Aside funds are used in a timely and efficient manner;
    - ✓ In addition, issues such as inclusionary zoning and financial incentives for developers are being recommended for future study in the update to the City's Housing Element.
  - ***Continue to Remove Barriers to Accessibility for Severely Disabled Individuals:*** The removal of architectural barriers in order to make facilities accessible to severely disabled persons is an eligible activity under CDBG. The City has continued to receive strong input from the disabled community and advocacy groups regarding their desire to see funding for such activities to continue. To that end, the City is proposing to continue to fund the following:

- ✓ Removal of curbs and installation of curb ramps at prioritized intersections, in order to make the streets and sidewalks accessible and navigable to persons in wheelchairs;
  - ✓ Installation of audible pedestrian signals at prioritized intersections to allow navigation of the streets and sidewalks by persons with visual disabilities;
  - ✓ Removal of architectural barriers in public buildings. Two projects that were started in 2003-2004 should be completed in 2004-2005. These two projects are the "ADA improvement project at the King-Kennedy Memorial Center," which will result in accessible restrooms, stage area, front counter and drinking fountains. The other project, which will be completed, is the installation of the elevator at the Modesto Centre Plaza, the City-owned and operated convention center.
- ***As Part of the Continuum of Care Consortium, Address Both the Short- and Long-Term Needs of the Homeless:*** Two city staff members (the CDBG/ESG Program Manager and the HOME Program Manager) sit on the Stanislaus County Housing and Support Services Collaborative. This body functions as the Continuum of Care Consortium for Stanislaus County. The Continuum of Care is a strategy by which homeless individuals may receive the services they need to address both their immediate and long-term needs. An effective system provides an assessment of needs, adequate emergency shelter resources, social services such as mental health, substance abuse, and job training, transitional housing, and ultimately either supportive housing or permanent housing. A strong homelessness prevention strategy is also a key to the success of such a system. Obviously, such a system requires the cooperation and resources of numerous agencies that each has a unique and key role to play in the delivery of services. The objectives for the coming year include:
    - ✓ Continue to monitor and encourage the operation of a day center, where the homeless may use telephones, shower and laundry facilities, as well as see case workers from a variety of social service agencies;
    - ✓ Develop a ten-year plan to end long-term homelessness, and identify the number of units and the support services needed to assist this target group.
    - ✓ Increase options for long-term transitional housing, especially for certain affected groups such as single women with children, and those with mental health and chemical dependency issues;
    - ✓ Continue to increase affordable housing options. The low vacancy rate in the rental market and unaffordable rents are causing more and more working families to become homeless;
    - ✓ Apply for grants and other special funding, such as Proposition 46 funds, a special bond measure passed by California voters in the November 2002 election. These funds are exclusively designed to increase shelter and transitional housing options for homeless individuals.
  - ***Improve and Construct Major Public Facilities through the Section 108 Loan Guarantee Program:***

The City of Modesto has identified the need for two major public facilities construction projects on the west side of Modesto, a predominantly low-income area that continues to have many infrastructure and facilities needs. The City is proposing to fund these

projects through the CDBG Section 108 Loan Guarantee Program. The two projects are "The Neighborhood Center at Marshall Park" and "The Maddux Youth Center".

### ***Neighborhood Center at Marshall Park***

The City proposes to build on the existing site of Marshall Park at the corner of Sutter and Chicago Avenues, a joint service facility that will provide citizens the opportunity to interact with City employees in their own neighborhood. They will be able to meet with police and fire staff, conduct city business such as paying water or sewer bill, enroll a child in a recreation program, or just ask questions concerning City programs and policies.

The existing fire station located in the area was built in 1923 and is outdated and there is no room for expansion. The community police sub-station is in an existing strip mall and could easily be combined with the fire staff. The new facility would be an 8,500 square foot fire station with three truck bays and a 4,075 square foot police and recreation area. There would be an office that would staff personnel from all three departments, as well as a weight room, community meeting room, restroom, and a small kitchenette.

WLC Architects has been working on the schematic design, preparation of design development documents, plans, specifications and the cost estimate for the new joint use facility. WLC has been meeting with staff and community groups to ensure that the design is the best fit for the community, the needs of City staff, and the existing appearance of the park. Upon completion of the design and environmental documents, a Request for Proposal process will be used for the selection of a contractor to build the new joint facility. This should be accomplished by October 2004. Construction could begin in December 2004 and completed twelve months later.

### ***Maddux Youth Center***

The Maddux Youth Center was built in 1952 and is located in the existing Cesar Chavez Park located at 4th and G Streets. The center houses a gym, a weight room, and offices for staff. This building is in desperate need of renovation and expansion to meet the needs of today's youth.

Renovation to the existing 7,000 square foot structure would include a new roof with skylights, a new air handling system, replacement of interior and exterior doors, enclosure of existing windows, and abatement of the asbestos in the flooring, and installation of new flooring in the facility, excluding the gym. A 2,500 square foot addition to the south side of the building would be utilized as a computer lab, additional restrooms, and a multi-purpose room. A 3,500 square foot addition to the northeast side of the building would accommodate the activities of the Police Activities League (PAL) youth boxing program.

RRM Design Group has been working on the design development and construction documents since August 2001. The City of Modesto has hosted two public meetings on the design to facilitate community input. Following the final design, the City will seek Request for Proposals for the construction of the project. It is estimated that the contractor will be selected by May 2004, with construction to begin in July 2004 and completed twelve months later.

## *Collateral*

The City of Modesto proposes payment of the Section 108 Loan Guarantee with funds from the annual CDBG entitlement. The City will also pledge the parks and the two buildings, the proposed Neighborhood Center at Marshall Park and the improved Maddux Youth Center, as collateral for the loan. A Deed of Trust in favor of HUD will be recorded against the land and buildings.

## *Time Tables and Stages*

The construction for both projects should begin by summer or fall of 2004 and be completed by the end of 2005. During the construction phase, initial advances will be taken from the Section 108 Loan Guarantee to pay the construction costs. Interest due on the initial advances will be paid through the adjustable rate interim financing. It is hoped that the project will be almost fully funded at the time of the annual public offering of the bond in 2004, if the public offering is in the later half of the year. The City will participate in the public offering and convert the existing Section 108 Loan Guarantee into fixed rate financing for a 20-year term.

The City proposes to address the above-identified priorities and objectives through the funding of the specific activities listed below.

## **VI. LISTING OF PROPOSED ACTIVITIES BY CATEGORY, ALL FUNDING SOURCES**

### **HOUSING DEVELOPMENT, PRESERVATION, & HOME OWNERSHIP**

The following are recommended activities to increase, improve, and preserve decent, safe and affordable housing opportunities for low- and moderate- income individuals and households throughout Modesto. A list of program budgets is shown on Appendix C.

#### **Project 0001: Homeownership Assistance**

**First-Time Homebuyers Classes:** **\$3,000** **CDBG**  
Funds will be used to pay the fee for eligible low-income persons to attend a First-Time Homebuyers Education class, a requirement to be eligible for the City's Down Payment Assistance Program. Proposed accomplishments: Provide 15 persons or households with a home-buying education class.

**Down Payment Assistance Program:** **\$303,000** **CDBG**  
Provides funding for loans of up to \$60,000 each, to assist low-moderate income persons and households with the down payment and closing costs on a home purchase. Proposed accomplishments: Provide 5 down payment assistance loans with the CDBG entitlement funds

**American Dream Down Payment Initiative (ADDI)** **\$116,089** **HOME**  
These funds will be used to augment the existing City of Modesto Down Payment Assistance Program. Proposed accomplishments: This funding will help assist 9 families become first time homeowners.

**Project 0002: Housing Maintenance Program**

**Housing Rehabilitation Loans:** **\$550,000** **CDBG RLF**  
Utilizing existing funds in the City’s CDBG Revolving Loan Fund or private funds, low-interest loans may be provided to property owners in the City’s two residential Target Areas (Highway Village, and the Airport Neighborhood) to address health and safety hazards within the homes, which have been found and documented by a City Building Inspector. Proposed accomplishments: Completion of initial inspection and rehabilitation (if needed) of 36 housing units in the set Target Areas.

**Property Enhancement Program:** **\$4,000** **CDBG**  
This program provides financial assistance in the form of rebates, to enable very-low and low-income property owners to improve the exterior appearance of their property. Items covered may include: removal of debris, exterior painting, front and side yard landscaping, fence/gate repair, energy savings improvements, and other external improvements such as gutters and chimneys. Proposed accomplishments: Complete/improve 8 properties of very low and low-income owner.

**Paint and Insulation Rebate Program:** **\$4,000** **CDBG**  
This program provides property owners with an incentive to improve the condition of their home, improving the appearance of their neighborhood, and reducing utility costs by reimbursing specific dollar amounts for materials and/or labor for painting and insulation projects. Proposed accomplishments: Provide 5 paint and/or insulation rebates.

**Tool Bank Program:** **\$1,000** **CDBG**  
Funding will be used to rent tools through the City’s Tool Bank Program. This lending program provide yard tools for persons in existing and previous Housing Maintenance Program target areas, to assist with tidying up their property by providing items such as lawn mowers, edgers, weed-eaters, carpet cleaners and sewer snakes. Proposed accomplishments: Issue 8 tool bank authorizations.

**Project 0003: Emergency Home Repair/Disabled Access Assistance Program**

**Emergency Home Repair/Disabled Access Assistance Program:** **\$150,000** **CDBG RLF**  
Funding will be provided to cover low-interest loans made to very-low or low-income owner-occupants, who have one of the following needs: emergency conditions necessitating repairs to protect health and safety, or renovations necessary to make a home more accessible and safe to a person who is disabled. Proposed accomplishments: Assist 10 households with emergency home/disabled access assistance.

**Project 0004: Building Code Enforcement**

**Building Code Enforcement:** **\$52,000** **CDBG/RLF**  
Funds are provided to cover the portion of the salary for a City Building Inspector to perform the necessary inspections, clearance and documentation work for the City’s Target Area Housing Rehabilitation and Maintenance Program. Proposed accomplishments: Continued resolution of outstanding Notice and Orders, as well as 36 anticipated new inspections.

**Project 0005: Lead-Based Paint Services**

**Lead-Based Paint Services:** **\$8,500** **CDBG**  
As part of the Housing Rehabilitation Program, funds will cover the costs necessary for testing, paint stabilization and clearance of lead-based paint hazards. *Proposed accomplishments: 4 households will be assisted.*

**Project 0006: Housing Demolition**

**Housing Demolition:** **\$2,000** **CDBG**  
Funding for the costs of demolishing a structure when deemed necessary through the Housing Maintenance Program. *Proposed accomplishments: One unit to be demolished.*

**Project 0007: Temporary Relocation**

**Temporary Relocation:** **\$5,000** **CDBG**  
Funds will provide for any necessary costs of temporarily relocating an individual or household who must in the interim vacate their dwelling while undergoing rehabilitation through one of the Housing Maintenance Program Target Area projects. *Proposed accomplishments: 4 individuals or households will be assisted.*

**Project 0008: Housing Rehabilitation Support**

**Rehabilitation Services:** **\$664,404** **CDBG**  
Funding for staffing, services and supplies necessary to provide technical support and oversight of the City's Housing Maintenance Programs listed above, including inspections and guidance provided by Housing Rehabilitation Specialists, loan administration provided by the Housing Financial Specialist.

**Project 0009: Affordable Housing Direct Loans**

**Affordable Housing Direct Loans:** **\$1,035,791** **HOME/PI**  
These funds will be used to either construct new housing or rehabilitate existing housing, per HOME guidelines. Funds may be provided as loans or as grants to eligible developers, either private or public. *Proposed accomplishments: It is anticipated that the majority of the funds will be allocated via a Request for Proposal process for the development of affordable housing.*

**Project 0010 CHDO Set-Aside**

**CHDO Set-Aside:** **\$206,373** **HOME**  
15% of the HOME grant will be set aside for eligible Community Housing Development Organization(s) to cover the project costs of affordable housing projects. *Proposed accomplishments: No specific recipients have been identified at this time.*

**Project 0011: CHDO Operating**

**CHDO Operating:** **\$68,791** **HOME**  
5% of the HOME grant will be set aside for eligible Community Housing Development Organization(s) to assist with the operational costs of the organization implementing an

affordable housing project. Proposed accomplishments: No specific recipients have been identified at this time.

**Project 0012: Tenant Based Rental Assistance**

**Tenant Based Rental Assistance:** **\$27,281** **HOME**  
Funds will be provided to assist with the move-in deposit for low-income households who are currently rent burdened (paying more than 50% of their gross income towards rent), or who have become homeless in the last 6 months due to being rent burdened or have been evicted from their home due to code enforcement issues. Proposed accomplishments: The program will assist 22 rent burdened households by providing deposit assistance on a new rental unit.

**Total Housing Development, Preservation & Home Ownership:** **\$3,201,228**

**INFRASTRUCTURE & PUBLIC IMPROVEMENTS**

The following are recommended capital improvements of public or community-based facilities and public rights-of-way. These activities, when appropriate, will be coordinated with other City Departments to maximize leveraging of resources:

**Project 0013: Accessibility Improvements, Streets**

**ADA Improvements - Curb Ramps:** **\$101,912** **CDBG**  
Funds will be used in priority intersections to grind down existing curbs and install ADA-compliant curb ramps, so that the sidewalk and street crosswalk will be accessible to disabled citizens in wheelchairs. Proposed accomplishments: 35 curb ramps will be installed.

**Project 0014: Infrastructure Improvements, Streets**

**Street Paving in Low-Income Areas:** **\$130,000** **CDBG**  
Will provide funding for the paving of streets in low-income areas where such amenities are non-existent or in a state of neglect, requiring re-paving of an area. Proposed accomplishments: 6 street sections in low-income areas will receive infrastructure upgrades.

**Project 0015: Neighborhood Improvements**

**Neighborhood-Based Projects:** **\$30,000** **CDBG**  
Funding is used to provide small grants, up to \$10,000 each, to neighborhood-based groups to carry out small infrastructure or beautification projects on either public right-of-way, or for projects benefiting a community-based nonprofit organization, or on private property, if the beneficiaries are low-moderate income. Proposed accomplishments: 3 groups will receive funding to do neighborhood improvements.

**Project 0016: Property Acquisition**

**Property Acquisition** **\$849,927** **CDBG/RLF**  
Funds are used to support the City's Property Agent to pursue the purchase of land or right-of-way for CDBG-funded projects.

**Total Infrastructure & Public Improvements:** **\$1,313,337**

## NEIGHBORHOOD PRESERVATION & STABILIZATION

The following activities are proposed to increase the livability of neighborhoods by assisting citizens in taking back control of their neighborhoods, cleaning up slum and blight conditions, and improving the capacity of neighborhood-based groups to become effective agents of change:

### Project 0019: Alley Closures

**Alley Closures:** **\$15,723** **CDBG**

Funds will be provided to install swing gates with locks in alleys in low-income neighborhoods, where residents have expressed a desire for such closures to prevent nuisance behaviors, such as illegal dumping, as well as criminal behaviors, such as drug-dealing and prostitution. Proposed accomplishments: 2 qualifying alleys may be closed.

### Project 0020: Neighborhood Clean-Up Projects

**Neighborhood Clean-Up Projects:** **\$18,000** **CDBG**

This program is designed to assist the City's low-income residents remove blighted materials and/or debris from their neighborhoods. The program pays for the placement of a dumpster in a low-income census tract to clean up the neighborhood. The dumpsters are granted after the City of Modesto staff finishes a review of the application and deems that the clean up will remove an imminent health or safety risk from a qualifying neighborhood. Dumpsters are usually placed at the request of a City Code Enforcement Officer working with residents to resolve an illegal dumping issue or at the request of neighborhood coalitions working to clean up their neighborhood during an event. Proposed accomplishments: 12 dumpsters will be placed and dumped for neighborhood clean-up efforts.

### Project 0021: Code Enforcement

**Code Enforcement:** **\$238,971** **CDBG**

This provides funds for City code enforcement officers working in low-income census tracts, as well as support staff processing complaints, addressing violations of the municipal code that contribute to slum and blight conditions. Proposed accomplishments: 3,000 cases will be enforced in low-income census tracts.

### Project 0022: Community Based Development Organizations

**Community Based Development Organizations (CBDO):** **\$25,772** **CDBG**

Funding for eligible CBDO to carry out allowable activities in a specific geographic area in one or more of the following areas: Neighborhood Revitalization, Economic Development or Energy Conservation. This will also include staffing time for neighborhood interns who work directly with CBDO as part of the City's Neighborhood Capacity Building efforts. Proposed accomplishments: 1 CBDO will receive funding for an eligible project, and interns will assist with capacity building efforts.

**Total Neighborhood Preservation & Stabilization:** **\$ 298,416**

## ECONOMIC DEVELOPMENT

The following are recommended to improve the earnings capabilities of low-moderate income persons:

### Project 23: Workforce Development Strategy

**Workforce Development Program Support:** **\$24,573** **CDBG**  
Funding for 0.3 FTE of an Administrative Services Officer Analysts to provide City input and oversight into the programs operated by the Workforce Development Collaborative. The City is interested in looking at a new workforce development program, as the first program, which included work preparation for the construction trades is successfully running on the Modesto Junior College Campus. The City is interested in working with Kaiser Medical Corporation, who is getting prepared to open up a new campus facility and two building hospital in the next several years. This person will work on coordinating the basic of a nurse's assistant program as well as working with Kaiser to definite their job needs and match their need with the employment needs specified by the community. These funds are paid for from the Administrative Cap.

**Total Economic Development:** **\$24,573**

## PUBLIC SERVICES

The following are recommended funding allocations to support human assistance programs to provide for acute, crisis needs of individuals and families, as well as addressing long-term developmental needs:

### Project 0024: General Public Services

**Community Housing & Shelter Services (CHSS)** **\$73,000** **CDBG/RLF**  
**"Homeless Prevention Case Management"**  
Prevention Case Management for families and/or individuals who are homeless or at risk of homelessness due to eviction. Funding specifically for rental or shelter vouchers. *Proposed accomplishments: Provide 1,460 nights of shelter to 40 families, rental assistance for up to 20 households. Also \$600 in funding is included for bus passes. It is anticipated that 300 persons will be utilizing these bus passes.*

**Stanislaus Literacy Center "Adult Literacy"** **\$31,785** **CDBG**  
This program will provide literacy services and opportunities through a computer lab in West Modesto. *Proposed accomplishments: 40 adults served through the computer lab and 20 adults through Job-Club Center reading classes.*

**United Way "UW Information and Referral Program"** **\$13,044** **CDBG**  
These funds will help the United Way expand their information and referral program by funding a portion of one staff person to provide information and referral services. *Proposed accomplishments: This staff person will serve 400 calls from City of Modesto residents.*

**DRAIL "Assistive Technology Services"** **\$18,000** **CDBG**  
DRAIL provides information, referral and equipment services for the disabled residents of Modesto. Funding is to provide durable medical equipment, adaptive aids or assistive devices

that will lead to an increased independent life-style. *Proposed accomplishments: Currently DRAIL has 12 people on the waiting list for the described type of devices.*

**Project 0025: Food Programs for Low-Moderate Income**

**Second Harvest Food Bank “Food Assistance Program”**      **\$35,000**      **CDBG**  
 Expand the food bank program by purchasing and distribution of supplemental groceries.  
*Proposed accomplishments: Distribute more than 800,000 pound of groceries*

**Stanislaus Community Assistance Project**      **\$41,485**      **CDBG**  
**Nutritional Supplement & Education Program (NSEP)**  
 This program will deliver nutritional food items to person or people with HIV/Aids. Also, the funding will pay the salaries of the person delivering the food. *Proposed accomplishments: This programs aims to assist 5 clients per day every weekday of the year. Total duplicated count will be approximately 260.*

**The Salvation Army “Hotel Food”**      **\$10,000**      **CDBG**  
 The program will deliver food products to homeless residents or referred clients that are temporarily living in hotels or are unable to attend the noon-meal program served at Salvation Army. *Proposed accomplishments: It is anticipated that this program will serve 700 cases.*

**The Salvation Army**      **\$10,000**      **CDBG/RLF**  
**“Homeless Noon Meals Program”**  
 This program will provide food for the hot lunch program provided at the Salvation Army for homeless individuals and families on a daily basis, Monday-Friday. *Proposed accomplishments: It is anticipated that this program will provide in total 50,000 meals and the City of Modesto funding will provide approximately 6,000 meals.*

**Project 0026: Shelter Services**

**Interfaith Ministries “Santa Fe Emergency Shelter Project – Rent & Food”**      **\$42,800**      **CDBG/RLF**  
 The Santa Fe Emergency Shelter is a homeless seasonal shelter designed to serve homeless families. The funding will cover the entire rental amount for 20 units and portion of the food for the clients. *Proposed accomplishments: At least 20 families will be sheltered and provided with food for the winter season, approximately 90 days. Over 1800 shelter nights provided.*

**Interfaith Ministries “Redwood Family Center”**      **\$2,243**      **ESG**  
 This is a homeless transitional shelter, which provide housing to women and children that are recovering from drug and alcohol addictions. The funding is to replace the existing gas water heater including: the earthquake straps, labor and new water heater. *Proposed accomplishments: This facility currently houses 73 families of women and children*

**Interfaith Ministries**      **\$27,000**      **ESG**  
**“Santa Fe Emergency Shelter Project”**  
 The Santa Fe Emergency Shelter is a homeless seasonal shelter designed to serve homeless families. The funding will provide 2 security employees for the shelter season. *Proposed accomplishments: At least 20 families will be sheltered and provided with food for the winter season, approximately 90 days. Over 1800 shelter nights provided.*

**Project 0027: Youth Services**

**Children Crisis Center** **\$10,063 CDBG/RLF**  
**“Sawyer House Children Homeless Shelter”**  
This program provides respite childcare services to low-income at risk children and families who are homeless. Funding is for salaries (1,151 hours of children care staff) to increase the service level. *Proposed accomplishments: 95 low-income children will be served with this funding*

**Children’s Crisis Center of Stanislaus County** **\$18,720 CDBG**  
**“Cricket’s House Respite Childcare”**  
Cricket’s House provides childcare, respite care as well as shelter for youth who are homeless or at risk of homelessness. The client’s ages vary from birth to 17 years of age. Funding is for salaries for 2080 hours of respite childcare staff time at \$9.00 per hour. This will provide direct care and supervision to at-risk children. *Proposed accomplishments: Each unit will provide 2080 hours of shelter care at \$9.00 per hour*

**Children’s Crisis Center of Stanislaus County** **\$13,000 CDBG**  
**“Sawyer House Nursery Expansion Project”**  
This funding is to provide a capital project to help expand a nursery expansion. These funds will add a new room that will be used for a “diaper changing area” which will include: running water, infant sink and diaper changing station. Currently the diaper changing area is located in the actual sleeping quarters. *Proposed accomplishments: Will provide services to 29 unduplicated homeless children, who will be more rested and cleaner due to this project.*

**Center for Human Services** **\$16,860 CDBG/RLF**  
**“Pathways Transitional Living Program”**  
The funding will provide a substance abuse counselor for this program. The Pathways Transitional Living Program which provides temporary shelter in an independent living setting for up to 16 youth, ages 18-21 who are leaving foster care, and who are or will be homeless without assistance. The counselor will provide drug and alcohol counseling as well as prevention and intervention programs. *Proposed accomplishments: 16 youth will receive the above array of services for 48 weeks*

**Center for Human Services**  
**“Hutton House Runaway & Homeless Youth Shelter”** **\$ 1,700 ESG**  
Hutton House is a shelter for runaway and homeless youth (ages 13-17) that provides temporary shelter as well as social services to stabilize the lives of youth who are or will be living on the street without assistance. ESG funds will be used to cover costs of replace old cabinets and install new cabinets in the existing structure. *Proposed accomplishments: Necessary shelter renovations will be made and 225 youth from Modesto will receive services.*

**Center for Human Services** **\$16,848 ESG**  
**“Pathways Transitional Living Program”**  
The Pathways Transitional Living Program provides temporary shelter in an independent living setting for up to 16 youth, ages 18-21 who are leaving foster care, and who are or will be homeless without assistance. The funds will provide food for the clients who will visit the shelter. *Proposed accomplishments: 14 youth will receive the above array of services plus food funded by the ESG grant*

**Parent Resource Center** **\$21,747** **CDBG**  
**“The “ABC” of Childcare Expansion & Enhancement”**  
 Funding for the expansion of the childcare facility. The funding will cover salaries of an interaction facilitator and childcare worker for the expanded childcare facility as well as a portion of direct service costs including supplies. *Proposed accomplishments: The CDBG funds will serve 30 unduplicated children and 20 unduplicated parents in the enhancement services*

**Project 0028: Crime Awareness**  
**Modesto Police Department** **\$150,000** **CDBG/RLF**  
**“Crime Free Multi-Housing Project”**  
 This program provides training to tenants and landlords on crime prevention in rental complexes. Developments that complete the training and comply with safety design standards are certified. Funds will be used to fund only duplexes and triplex units. *Proposed accomplishments: The program will be increased to include landlords and property owners who manage/own duplexes and triplexes. At least 5 training sessions will be provided, and 15 structures will be certified.*

**Project 0029: Abused Children’s Services**  
**Children’s Crisis Center of Stanislaus County** **\$14,040** **ESG**  
**“Cricket’s House Respite Childcare”**  
 The purpose of this center is to provide shelter for abused, neglected and at risk children and support services for their families. The funding is to be used for childcare staffing. *Proposed accomplishments: Provide 1,560 of respite childcare staff time and serve 1,140 youth.*

**Project 0030: Fair Housing Services**  
**Project Sentinel “Fair Housing”** **\$22,000** **CDBG**  
 Project Sentinel provides HUD-mandated Fair Housing Services to the citizens of Modesto, including outreach and education, investigation of complaints, conciliation of cases, and litigation, where necessary. CDBG funds pay for verified fair housing complaints and cases handled by the agency. *Proposed accomplishments: 11 educational presentations to other agencies on fair housing law, and one tenant/landlord workshop. Provide information and refer services to a minimum of 1,300 callers. 800 phone calls for assistance, provide 40 fair housing investigations and provide tenant/landlord services to 35 verified house complaints.*

**Project Sentinel “Tenant-Landlord Services”** **\$24,569** **CDBG**  
 The services provided by Project Sentinel for this funding are education and intervention in situations such as: assistance for deposits, evictions, rental agreement terms, outreach and education as well as specific mediation assistance. *Proposed accomplishments: 250-dispute resolution complaints tenant/landlord, distribution of 2,000 pieces of education material. Also conduct 7 presentations to other agencies and one fair housing tenant/landlord workshop. Handle over 700 information and referral phone calls.*

**Project 0031: ESG Unobligated**  
**ESG Unobligated Public Service Funds:** **\$43,884** **ESG**  
 Funding not yet committed for a winter shelter activity, but will be committed prior to the beginning of the fiscal year on July 1, 2005.

**Total Public Services:** **\$673,258**

## PROGRAM ADMINISTRATION & PLANNING

The following costs are related to program administration, program planning, community participation, and Fair Housing services. For CDBG, HUD limits the funding for this category to twenty percent of the total of the entitlement grant and program income. For the HOME program, the limit is 10%. ESG program administration is paid for out of the CDBG grant, as allowed by HUD:

### Project 0032: Administration

**General Administration** **\$492,134 CDBG**

Costs for staff directly responsible for day-to-day administration of the grant, including the salaries, supplies and services necessary to prepare the annual application and performance reports, monitoring of activities, and data gathering and reporting, in compliance with federal regulations.

### Project 0033: Indirect Administration

**Indirect Administration** **\$83,648 CDBG**

General administrative support provided by staff throughout the City for the administration of the program, as well as the program's share of internal service charges and indirect costs.

### Project 0034: Fair Housing Services

**Fair Housing Services** **\$35,000 CDBG**

Funding provided to Project Sentinel, Inc., for the provision of HUD-mandated fair housing services, including public information and outreach, referrals, investigations, conciliation and litigation services for alleged violations of fair housing laws.

### Project 0035: Planning and Capacity Building

**Planning & Capacity Building:** **\$11,445 CDBG**

Includes necessary staff time to complete other federal or state grant applications, and Neighborhood Services Interns' time to work on special capacity-building studies and activities.

### Project 0036: HOME Program Administration

**HOME Program Administration:** **\$137,582 HOME**

Funds will cover the costs of salaries, supplies and services necessary to administer the HOME Program per federal regulations. This funding reflects 10% of the annual grant, as allowed by HUD regulations.

**Total Program Planning & Administration** **\$784,382**

## LOAN REPAYMENTS

The following is the projected debt service payment for the coming year for the HUD Section 108 Loan Program:

### Project 0037: Section 108 Loan Repayments

**Neighborhood Center at Marshall Park/  
Maddux Youth Center Section 108 Loan Guarantee:** **\$361,000 CDBG**

The first year's payment for the Section 108 loan funds used to construct the Neighborhood Center at Marshall Park and expand/rehabilitate the Maddux Youth Center at Cesar Chavez Park.

**Project 0038: RLF Interest Payment**

**RLF Interest Payment** **\$ 50,000 RLF**

**Total Loan Repayments:** **\$411,000**

## **VII GEOGRAPHIC DISTRIBUTION OF PROJECTS**

The maps in Appendix B show the geographic areas of the City of Modesto, specifically the census tracts that will be the focus of assistance during the program year. The first map shows the low-income census tracts, per the 2000 Census, where median household incomes are below 80% of the area's median income. The second map shows the areas of minority concentration for those who identified themselves in the 2000 Census as Hispanic, Black-African/American, Asian, and American Indian/Alaskan Native. In the funding of all projects, and in providing assistance to specific beneficiaries, the City will ensure:

- that it has documented the low- and moderate-income status of individuals/households; or
- that the area where a project benefit will be realized has a population where at least 51% of the residents are low-and moderate-income; or
- that a slum and blight project meets the criteria for such projects.

## **IX LEAD-BASED PAINT HAZARDS**

Effective September 15, 2000, Lead-based paint regulations have been implemented and are currently being complied with. Due to Senate Bill SB 460, February 2003, and Final Lead Regulations EPA, July 2003, staff found that in order to become more knowledgeable with lead-based paint regulations, the City's rehab housing specialists completed and passed the U.S. Department of Housing and Urban Development Lead Hazard Control's Visual Assessment course, pursuant to 24CFR, Part 35, and received completion certificates.

Recreation and Neighborhood Services Division rehabilitation staff developed a workbook to guide them through the process when lead-based paint is found or presumed to be present during construction. The workbook contains Federal requirements for paint and rehabilitation programs, a flowchart of assistance thresholds, and the documentation that is required and when it is required, and cost worksheets on level of rehabilitation assistance. This workbook includes Lead Safe Housing Rule Checklist and Associated Guidance, which comply with Information Bulletin CPD-2003-017, August 2003.

In August 2002, two housing rehabilitation specialists attended a HUD-sponsored update session entitled "Making it Work." In December 2002, one rehabilitation specialist attended a course on Lead-based Paint Abatement Supervision and Monitoring. In September of 2002 one of our rehabilitation specialist became a DHS Certified Inspector/Assessor and followed up to become a DHS Certified Supervisor in 2003. The City will continue to send staff to training to better prepare them for dealing with lead-based paint in conjunction with construction regulations. Staff is scheduled to attend a Western Regional Conference on "Mold & Lead," in 2004.

As an additional effort in spreading the word about the effects of lead-based paint, the City had 2,000 copies of the "Spanish" version and 1,000 copies of the "English" version of the Environmental Protection Agency's pamphlet entitled "Protect Your Family From Lead in Your City of Modesto" 2004-2005 HUD Annual Action Plan

Home" reproduced for distribution at neighborhood meetings in low-income neighborhoods. Copies of the pamphlets are also available at the information counter at the Parks, Recreation and Neighborhoods Department.

## **X OTHER ACTIONS**

In addition to the provision of housing services, community development/infrastructure, and public service, the City plans to continue working in the following areas:

**Removal of Barriers to Affordable Housing:** The City will continue to foster the construction of affordable housing projects by:

- providing funding for land acquisition, secondary financing and infrastructure costs;
- down payment assistance to qualified households to purchase a home;
- by encouraging the provision of Mortgage Credit Certificates;
- through the exemption or deferral of Capital Facilities Fees for projects providing low-income housing;
- by using the adopted streamlining process for environmental review;
- by continuing to work with nonprofit housing agencies in the provision of their services and programs.

**Analysis of Impediments to Fair Housing:** The Department of Housing & Urban Development (HUD) is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities and other discriminatory practices in housing, through the implementation of fair housing actions. Provisions to affirmatively further fair housing are principal and long-standing components of HUD's housing and community development programs. These provisions come from the mandate of Section 808(e)(5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department's housing and urban development programs in a manner to affirmatively further fair housing.

HUD's housing and community development program regulations, handbooks and notices interpret the statutory requirement in specific standards that entitlement jurisdictions, such as the City of Modesto, must meet or actions they must take. The Community Development Block Grant (CDBG) program contains a regulatory requirement to affirmatively further fair housing based upon HUD's obligation under Section 808 of the Fair Housing Act. The HOME program regulation states the statutory requirement from the Comprehensive Housing Affordability Strategy (CHAS) that the jurisdiction must affirmatively further fair housing.

In order to meet these statutory requirements, HUD requires grantees to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction; this should be done at least every 5 years;
- Take appropriate actions to overcome the effects of any impediments identified through the analysis;
- Maintain records reflecting the analysis and actions taken in this regard.

HUD interprets these broad objectives to mean:

- Analyze and eliminate housing discrimination in the jurisdiction;
- Promote fair housing choice for all persons;
- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability and national origin;

- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities;
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

Although the obligation to affirmatively further fair housing arises in connection with the receipt of Federal funds, this obligation is not restricted to the design and operation of HUD-funded programs. This obligation extends to all housing and housing-related activities in the jurisdiction (the City of Modesto), whether publicly or privately funded.

Currently, the City of Modesto contracts with Project Sentinel, Inc., a fair housing non-profit agency, to assist with compliance of the nondiscrimination provisions of the Fair Housing Act, a portion of the federal requirements. This agency provides fair housing education to both the public and the housing industry, information and referral on fair housing questions, fair housing investigations, conciliating landlord/tenant disputes of a fair housing nature, and litigation of fair housing cases. These services are paid for with CDBG funds.

As stated above, HUD mandates that jurisdictions regularly conduct an Analysis of Impediments to Fair Housing (commonly referred to as the AI). The AI is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken on the basis of race, color, religion, sex, disability, familial status, or national origin that restricts housing choices or the availability of housing choices. Policies, practices or procedures that appear neutral on their face, but which operate to deny or adversely affect the provision of housing to persons of any of the protected groups mentioned above, may constitute such impediments.

The most recent "Analysis of Impediments to Fair Housing", completed for the City of Modesto, was done in May 1996. This takes the City beyond the recommended 5-year cycle. In addition, there have been tremendous changes in the housing market since that time. Staff is recommending that a Request for Proposals (RFP) be issued for a qualified provider to carry out the Analysis of Impediments to Fair Housing, and that this study be completed in the early portion of 2004-2005. At a minimum, this assessment will include:

- A comprehensive review of the jurisdiction's laws, regulations, codes, ordinances and administrative policies, procedures and practices;
- A comprehensive review of private sector practices in such areas as design, occupancy quotas, deed restrictions, lease provisions, banking and insurance policies, brokerage services, etc.;
- An assessment of how those laws and practices, etc. affect the location, availability, and accessibility of housing;
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes;
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.

**Public Housing Resident Initiatives:** The Housing Authority of Stanislaus County will continue to encourage public housing residents to become more involved in management by supporting the formation of resident councils and encouraging resident involvement and input into management issues.

**Anti-Poverty Strategy:** Providing opportunities for low-income families to improve their economic status is a focus of effort for the City, and is reflected in our strategic plan. The City will work in this area in the following ways:

- Continue to work cooperatively with the local Workforce Investment Board, the Workforce Alliance, community college and other partners to implement innovative training programs in our community which address the needs of both those families receiving public assistance and the working poor. The Workforce Alliance is a newly reformed coalition that brings together economic development efforts with workforce training efforts.
- Continue to provide staff support to the City's Workforce Development Program operated by the Community and Economic Development Department.
- Enhance relationships with other public agencies that work with low-income families through nonprofit workgroups, to address the potential of joint applications for grants that address the needs of low-income families.
- Continue with efforts to increase the supply of affordable housing in our community. While the production and preservation of affordable housing on its own will not raise people's income or lift them from poverty, it does contribute to stabilizing living expenses for low-income families, so that they have more discretionary income for other living expenses.

## **XI MONITORING PLAN**

The City of Modesto monitors its performance in meeting the goals and objectives set forth in our Consolidated Plan in the following ways:

- By ensuring that the community is made aware of the contents of the Consolidated Plan through community meetings, and asking the community for its input on the City's progress in meeting those goals and objectives through a variety of public forums;
- In proposing activities for funding, staff reviews those proposals for consistency with the Consolidated Plan. In staff reports to the City Council, we discuss how these activities support and further these goals;
- In preparing the CAPER at the end of each year, we evaluate and discuss in detail our performance for the last year as it relates to the Consolidated Plan, building upon areas of strength, and looking for innovative ways to improve in those areas where we have not yet attained our goals.

In addition, within the Parks, Recreation and Neighborhoods Department (Recreation and Neighborhood Services Division) a coordinated procedure has been established to verify and confirm the fact that grant funds have been used in an eligible and appropriate fashion. The Division receives monthly budget printouts from the Finance Department, which identify the total funds used by all programs during a given month. Staff verifies and cross-references the information on the monthly budget activity reports with supporting documentation maintained at the office. In addition, staff assigns a unique number to each activity that provides easy identification on both the City's financial reporting system and IDIS. Implementation of this "cross-reference" system also helps staff to monitor progress on its draw downs in order to

ensure compliance with the timeliness requirement. This procedure also offers a form of "checks and balances" in order to verify expenditures and to determine the availability of funds. This procedure has proven to be effective for staff in the management of a variety of programs.

Additional monitoring procedures have been established to provide further controls on the use of funds in specific projects. A summary of the method and procedures are identified below:

**Housing Rehabilitation Loan Program:**

When a project is funded under the Housing Rehabilitation Loan Program, both the Housing Financial Specialist and the Housing Rehabilitation Specialist monitor the use of those funds. Funds are disbursed according to a detailed Real Property Improvement Agreement that is executed by the property owner and the contractor. When a phase of the work is completed, the Housing Rehabilitation Specialist confirms the completeness of the phase of rehabilitation in accordance with the appropriate housing codes and the work write-up specifications. The Housing Rehabilitation Specialist reviews the work with the property owner and the owner signs a payment request voucher that authorizes the disbursement of funds according to the contract. This procedure is followed throughout the entire project to completion and all funds have been disbursed. The Housing Financial Specialist reviews the payment voucher, after which time it is approved by the Deputy Director of the Parks, Recreation and Neighborhoods Department. Funds are disbursed to the contractor by Citibank under the City's Lump Sum Draw down agreement. The City's Finance Department monitors the disbursement of funds and balance of the project account.

**Public Services Program/Emergency Shelter Grant and Community Development Block Grant**

As contracts are written for the various organizations (sub recipients) receiving CDBG or ESG funds, strict controls are placed on the use of the funds. Whenever possible, payments are made for units of service delivered to beneficiaries. Performance measures (i.e., number of individuals served, type of activity, accomplishments, etc.) are established as part of the agreement. This enables City staff to monitor the effectiveness of the funded project. The agreement for services also includes general performance standards, including the provision of monthly activity reports to the City, and written requests for disbursement of funds.

In addition to implementing agreement for services for local non-profit organizations, the Parks, Recreation and Neighborhoods Department also has written "Memorandum of Understandings" (MOUs) with other departments within the City organization. These MOU's describe, in general, the services that are to be delivered to the community, quantify the services in measurable objectives and terms and lists the funds dedicated to these activities. The staff then follows up on the conditions of the MOU's and monitor the progress of departmental internal to the City, as well as those non-profit agencies. All internal departments also submit written requests for disbursement of funds.

City staff conducts an on-site monitoring session once a year to confirm the supporting documentation for use of funds and to confirm that the services were rendered as reported. Staff also addresses key issues that may arise from general programmatic concerns, audit findings, or public concern. A written report on each sub recipient is provided to the Citizens Housing and Community Development Committee which oversees the funding process.

**HOME Program: On-Site Inspection of Housing Units for Determining Affordability Compliance**

HOME-assisted rental units are inspected for rent, income, housing quality, and other affordability criteria in accordance with section 92.252. Complexes containing 1 to 4 HOME-assisted units are monitored not less than three years; complexes containing 5 to 25 units are monitored every two years and projects containing 26 units or more are monitored every year.

**XII HOME-SPECIFIC REQUIREMENTS**

- **Recapture/Resale for Home Ownership Activities:** The City of Modesto has elected the recapture option during the affordability period. As such, the full amount of the HOME down payment assistance loan made to the homebuyer is recaptured and returned to the HOME program account. Payments on HOME loans are deferred for 5 years, at which time amortized payments begin. Full repayment (principal plus accrued interest) is due at the time the owner sells, transfers title, refinances or discontinues using the home as their principal residence.
- **Tenant Based Rental Assistance:** Due to the low vacancy rate in the rental market in Modesto (around 2%) and lack of affordable rents in the area, the City has chosen to continue providing Tenant Based Rental Assistance through HOME funds for persons who are low-income and who are rent-burdened.
- **Affirmative Marketing:** The City of Modesto implemented an Affirmative Marketing Policy for use in its HOME program in order to comply with HUD Fair Housing objectives. Both the borrow/developer and the City share the responsibility to inform the public about Federal Fair Housing Laws. The City through its monitoring of the HOME units evaluates the effectiveness of the marketing efforts. The beneficiaries are held to the terms of the policy by reference in the HOME Loan Agreement and Trust Deed executed to secure the HOME loan.
- **Minority-Women's Business Outreach:** The City of Modesto has a Small, Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) policy and procedures guideline that was accepted by HUD in May 1994. The City's Recreation and Neighborhood Services Division conducts outreach efforts throughout the year to inform licensed minority and women contractors and prospective MBE/WBE contractors about the advantages of making bids on rehabilitation projects, as well as new construction. Also, applications are sent to nonprofit agencies, construction firms, developers, and real estate agents for the release of HOME funds for the rehabilitation of existing units and/or development of new units.

**XIII ESG-SPECIFIC REQUIREMENTS**

The City of Modesto beginning with the funding cycle for Fiscal -Year 2004-2005 changed the funding process for ESG and CDBG Public Services funding. A pre qualification process was implemented. The agencies interested in applying for these funds were required to submit a list of documents such as a business license, proof of insurance coverage, Articles of Incorporation as a non-profit corporation Copy of By-Laws, letter from either the Internal Revenue Service or

the California Franchise Tax Board determining tax –exempt status, copy of their organization chart, list of Board of Directors and/or officers, copy of their most recent audit performed by a CPA and a completed conflict of interest statement. This process started on October 1, 2003 and ended on January 16, 2004. Once the agencies submitted a complete pre qualification package they were notified that they have been pre-qualified to apply for this year’s funding cycle. The Request For Proposals (RFP) was released in February, advertising the availability of Emergency Shelter Grant funds for the coming year. Eligible nonprofit agencies were invited to attend a technical assistance conference, where staff covered the eligible uses of ESG funds, using the HUD-published “ESG Program Desk Guide”, and describe the application process. Once the RFP cycle was closed and proposals had been received, a review committee made up of staff, the President of the Stanislaus Housing and Support Services Collaborative and members of the Citizen’s Housing & Community Development Committee read each proposal and provided funding recommendations based upon the following criteria:

- Soundness of the agency: Is the agency a nonprofit in good standing in the State of California, have there been any major changes in staffing in the last year, is the agency’s most recent audit sound?
- Eligible activity: Is the agency proposing to provide an eligible activity under ESG? Is there request in line with funding restrictions in ESG, such as no more than 30% of funding for essential services? Can the agency provide the required 100% match?
- Alignment with community need: Is the proposed service one that is needed and is not being provided through other funding sources, or will this funding augment an existing service to ensure that as many homeless individuals as possible will receive services? Does it fit into the Continuum of Care Plan?
- Quality of Service: Does the agency have adequate staffing and resources to carry out the project, do they have the ability to collect and report data as required, have they operated similar programs in the past?

Funding recommendations of the Review Committee are provided to the Citizen’s Housing and Community Development Committee, as well as the City Council. Once approved, these projects are included in the list of projects for the Annual Action Plan.

For 2004-2005, the ESG allocation will be matched by the following agencies with funding as follows:

**Center for Human Services:**

Contribution from Wells Fargo	\$6,743
Federal Emergency Management Grant	\$8,000
United Way-Youth Advisory Board	\$3,898
Grant from Federal Youth Services Bureau	\$199,880
United Way	\$29,350
United Way Diversity	\$2,917
Parents & Teens FPSP	\$24,714
State of California Grant	\$117,040
Federal Housing and Urban Development Grant	\$71,608
Stanislaus County	\$98,496
Donations & Fees	<u>\$54,665</u>
	<b>\$617,311</b>

**Children's Crisis Center:**

Proposition 10	\$86,294
PSSP	\$33,000
United Way	\$10,000
Childcare Food	\$16,000
CVOC	\$2,000
GCTR	\$217,000
Federal Block Grant	\$15,000
Children's Trust Fund	\$35,000
Various Foundation Grants	\$16,000
Charitable Contributions	<u>\$11,607</u>
	<b>\$441,901</b>

**Interfaith Ministries:**

Contributions/Cash Reserves	\$132,400
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**XIII 5 YEAR CONSOLIDATED PLAN**

One of the other major undertakings that the Parks, Recreation and Neighborhoods Department will take on during the next program years is the creation of the 2005-2010 5 year consolidated plan. The 5-Year Consolidated Plan analyzes the City's housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes a long-term strategy for meeting those needs. In addition to the development of a broad policy framework, the Consolidated Plan also addresses how the City will utilize funding from three different entitlement grants to meet those needs: The Community Development Block Grant (CDBG), the HOME Investment Partnership Grant (HOME), and the Emergency Shelter Grant (ESG). In general, these funds must be used to revitalize low-income neighborhoods, and to assist disadvantaged populations by providing adequate public facilities and services, generating affordable housing opportunities, and implementing effective strategies to reduce and end homelessness. Citizen participation is a key component of the consolidated planning process. The federal regulations implementing the three entitlement grants require that the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input to the goals and priorities that should be reflected in the plan, as well as the specific types of activities that will be funded. The Consolidated Plan will cover the following subject matters:

- An outline of the approach and the degree of citizen participation sought in developing the plan and identifying community development needs;
- An overview of the national and local goals for housing and community development and the anti-poverty plan;
- A community profile, which describes the community, gives background and trend information, and provides insight into the characteristics of Modesto's population.
- A strategic plan for addressing non-housing community development needs and activities the City jurisdiction will attempt to undertake during the next year and subsequent years through 2010 to address the needs prioritized in the plan.
- A strategic plan to address the future economic development needs of the community
- Modesto's housing market and inventory characteristics. Other topics included in this section are barriers to affordability, public and assisted housing.
- Housing and homeless needs assessment as well as an update to address the needs of the homeless and how the Consolidated plan will integrate into HUD's 10 year plan to end chronic homelessness.
- Modesto's housing services and strategies. This section will also discuss strategies to reduce barriers to affordable housing, continuum of care, public housing resident initiatives, and the lead-based paint hazards reduction activities.
- The coordination and delivery of services. This would attempt to summarize the institutional structure, lists the entities the City consulted with, or will consult with, in regards to the Plan, and discusses the gaps in the institutional structure.
- Funding resources and allocation for the federal, state, local, and private resources expected to be available to address the housing and community development needs identified in the Consolidated Plan

### **XIII PUBLIC NOTICE**

#### ***PUBLIC NOTICE***

*The City of Modesto has prepared the draft FY 2004-2005 Annual Action Plan identifying uses of Community Development Block Grant (CDBG), HOME Investment Partnership Grant, and Emergency Shelter Grant (ESG) program funds. A total of \$4,451,621 of new entitlement funds will be allocated for community development projects and programs. This Annual Action Plan will also include estimated program income and reprogram funds from prior years.*

*There will be a 30-day public comment period beginning April 9 2004. The Citizens Housing and Community Development Committee will receive comments on the draft at their April 23, 2004 meeting. Comments received in writing or orally will be responded to accordingly. A public hearing will be held on May 11, 2004 at the Modesto City Council meeting, beginning at 5:30 p.m. The meeting will be held at the Modesto City Council Chambers, 1010 Tenth Street, Modesto. This public hearing will conclude the public comment period.*

*Copies of the draft FY 2004-2005 Annual Action Plan will be available at the Parks, Recreation and Neighborhoods Department, 1010 Tenth Street, Suite 4300, Modesto, on April 9, 2004. For additional information, call 209-577-5247, fax 209-544-3982 or TDD (hearing impaired only) 1-800-735-2929.*

## **XV PUBLIC COMMENTS**

No public comments because the AAP is not available yet. This item has to be completed after the 30-day public comment period.

## **Appendix A**

### **Citizens Participation**

### **Calendar of Events**

**City of Modesto**  
**FY 2004-2005 HUD Annual Action Plan**  
*Citizen Participation Calendar of Events*

Activity	Date	Time
CH&CDC Meeting to approve the draft timeline for Public Service Grants and Action Plan for 2004-2005/Citizen Participation Calendar of Events; Room 4104, Tenth Street Place	Jan 29, 2004	12:00 noon
City Council Meeting to approve the draft timeline for Public Service Grants and Annual Action Plan for 2004-2005/Citizen Participation Calendar of Events; Council Chambers, Tenth Street Place	Feb 3, 2004	5:30 p.m.
Application Period for Public Service Grants opens	Feb 2, 2004	8:00 a.m.
Staff Technical Assistance Workshop for ESG Public Service Grants, Room 4104, Tenth Street Place	Feb 10, 2004	9:00 a.m.
Staff Technical Assistance Workshop for CDBG Public Service Grants, Room 4104, Tenth Street Place	Feb 11, 2004	9:00 a.m.
Application Deadline for Funding Requests of Public Service Grants	Feb 27, 2004	5:00 p.m.
Analysis of Public Service Funding Requests by staff and Review Committee	March 1 to Mar 12, 2004	
Community meetings to obtain input for 2004-2005 Annual Action Plan projects/activities: Tenth Street Place, Airport Neighbor's United, Chrysler School, and King-Kennedy Center	Mar 16, 18, 22, 24, 2004	6:00 p.m.
CH&CDC Meeting and public hearing to consider Requests for Funding of Public Service Applications, Council Chambers, Tenth Street Place	Mar 26, 2004	12:00 noon
City Council Meeting to consider and approve Funding Recommendations for Public Service Applications, Council Chambers, Tenth Street Place	Apr 6, 2004	5:30 p.m.
Public notice announcing availability of draft 2004-2005 Annual Action Plan for review and comments	Apr 9, 2004	
CH&CDC Meeting to consider draft 2004-2005 Annual Action Plan, Room 4104, Tenth Street Place	Apr 23, 2004	12:00 noon
City Council Meeting and public hearing to consider and approve recommendations for the 2004-2005 Annual Action Plan, Council Chambers, Tenth Street Place	May 11, 2004	5:30 p.m.
Submission of 2004-2005 Annual Action Plan to HUD	May 28, 2004	

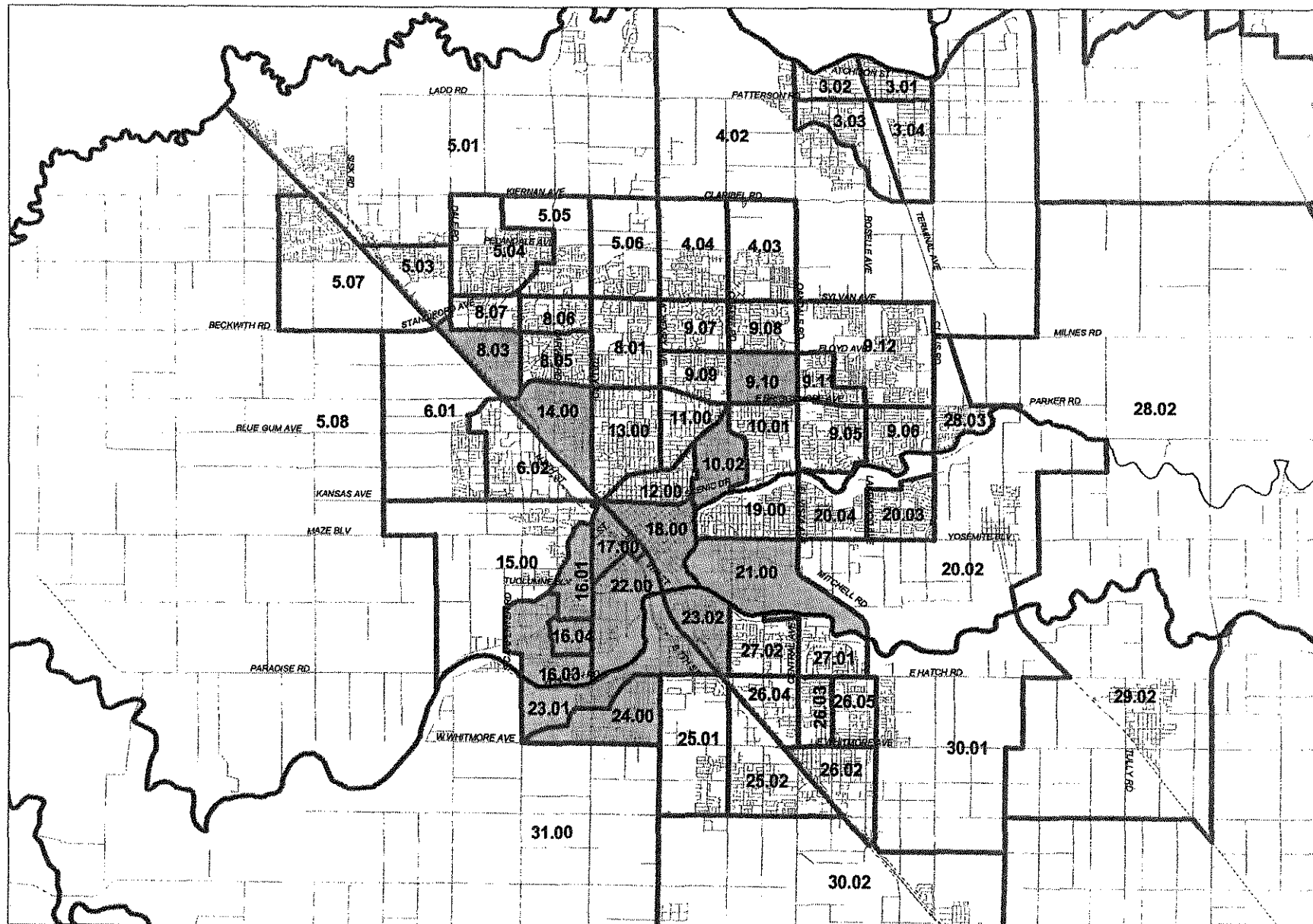
## **Appendix B**

### **Maps**



- **Low-Income Census Tracts**
- **Areas of Minority Concentration**

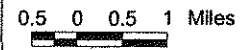
# City of Modesto

## Census Tracts 2000



**Legend**

-  Census Tracts
-  Low Income Census Tracts-2000 Census (Less than 80% of median area income)

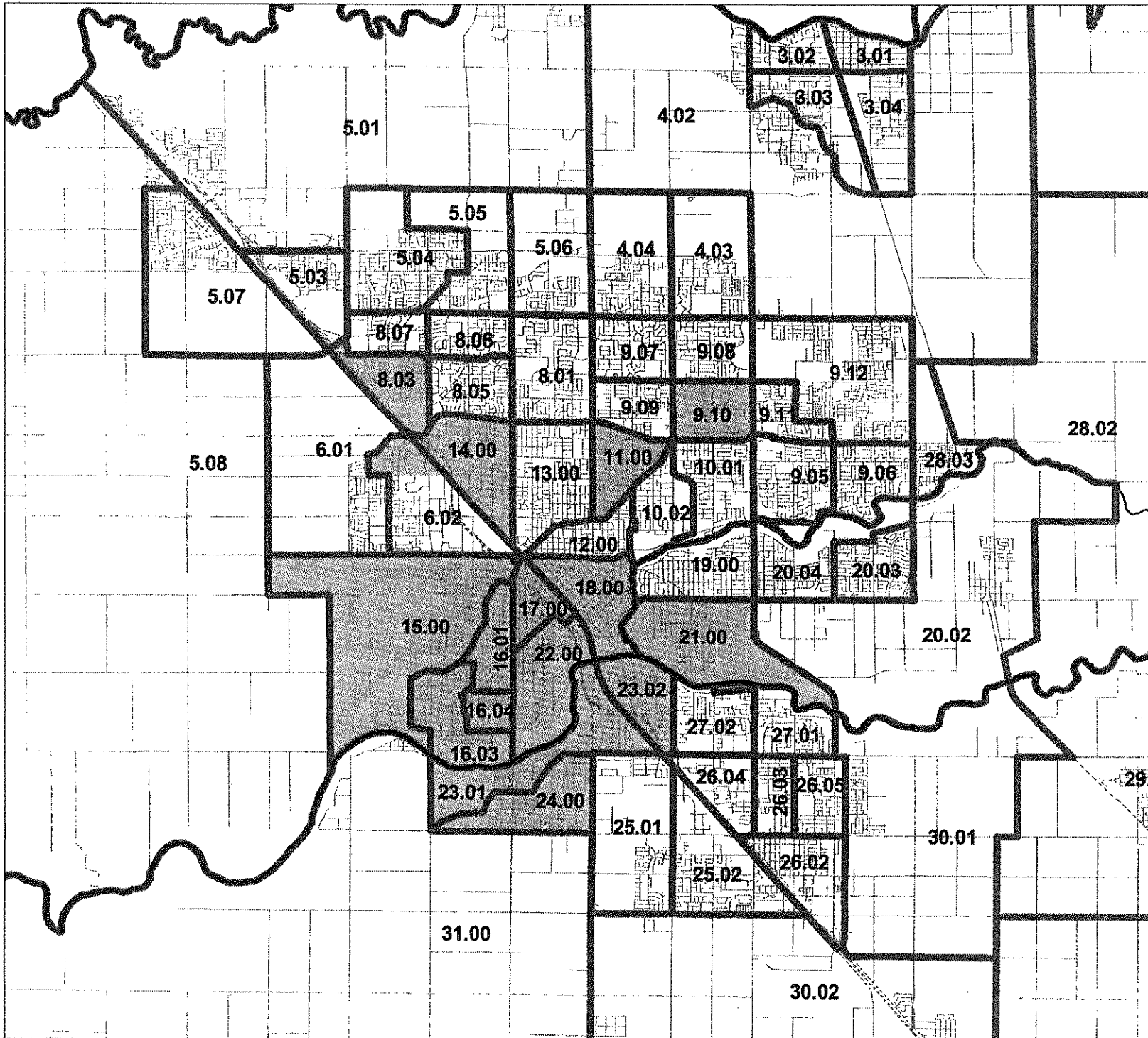


October 24, 2002




# City of Modesto


## Census Tracts 2000



### Legend

 Census Tracts

 Areas of Minority Concentration  
(Hispanic, Blacks, Asian, American Indian)

0.5 0 0.5 1 Miles  


April 7, 2003



## **Appendix C**

### **Program Budgets Summary**

- **CDBG**
- **HOME**
- **ESG**

## FY 2004-2005 CDBG Budget

<u>CDBG Funding</u>	<u>FY04-05</u> <u>Entitlement</u>	<u>Program</u> <u>Income</u>	<u>RLF</u> <u>PI</u>	<u>RLF</u> <u>Reprogram</u>	<u>TOTAL</u>
Entitlement	2,854,000				2,854,000
Program Income		200,000			200,000
Reprogram					
Revolving Loan Fund (RLF) Program Income			180,000		180,000
Revolving Loan Fund (RLF) Reprogram				1,750,000	1,750,000
<b>FUNDING TOTAL</b>	<b>2,854,000</b>	<b>200,000</b>	<b>180,000</b>	<b>1,750,000</b>	<b>4,984,000</b>

<u>CDBG Budget</u>	<u>FY04-05</u> <u>Entitlement</u>	<u>Program</u> <u>Income</u>	<u>RLF</u> <u>PI</u>	<u>RLF</u> <u>Reprogram</u>	<u>TOTAL</u>
<b>Housing Development, Preservation &amp; Home Ownership</b>	<b>1,020,904</b>		<b>180,000</b>	<b>546,000</b>	<b>1,746,904</b>
First-Time Homebuyers Classes	3,000				3,000
Down Payment Assistance Program	303,000				303,000
Housing Rehabilitation Loans			180,000	370,000	550,000
Property Enhancement	4,000				4,000
Paint/Insulation Rebate	4,000				4,000
Tool Bank Program	1,000				1,000
Emergency Home Repair & Disabled Access Assistance				150,000	150,000
Building Code Enforcement	26,000			26,000	52,000
Lead-Based Paint Services	8,500				8,500
Housing Demolition	2,000				2,000
Temporary Relocation	5,000				5,000
Rehabilitation Services	664,404				664,404
<b>Infrastructure &amp; Public Improvement</b>	<b>68,780</b>	<b>200,000</b>		<b>1,044,557</b>	<b>1,313,337</b>
ADA Improvements - Curb Ramps	1,912	100,000			101,912
Street Paving in Low Income Areas	30,000	100,000			130,000
1230 12th Street (SSN Bldg) Retrofit				201,498	201,498
Neighborhood-Based Projects	30,000				30,000
Property Acquisition (includes Property Agent & CEQA Support)	6,868			843,059	849,927
<b>Neighborhood Preservation &amp; Stabilization</b>	<b>298,416</b>				<b>298,416</b>
Alley Closure	15,723				15,723
Neighborhood Clean-up Projects	18,000				18,000
Code Enforcement	238,971				238,971
Community Based Development Organizations	25,722				25,722
<b>Economic Development</b>	<b>24,573</b>				<b>24,573</b>
Workforce Development Program	24,573				24,573
Workforce Development Program Support					

## FY 2004-2005 CDBG Budget

<u>CDBG Budget</u>	<u>FY04-05</u> <u>Entitlement</u>	<u>Program</u> <u>Income</u>	<u>RLF</u> <u>PI</u>	<u>RLF</u> <u>Reprogram</u>	<u>TOTAL</u>
<b>Public Services</b>	<b>458,100</b>			<b>109,443</b>	<b>567,543</b>
<b>Public Services (CDBG)</b>	<b>458,100</b>				<b>458,100</b>
CHSS "Homeless Prevention Case Management"	43,280				43,280
Second Harvest Food Bank "Food Assistance Program"	35,000				35,000
Stanislaus Community Assistance Project "Nutritional Supplement & Education"	41,485				41,485
Stanislaus Literacy Center "Adult Literacy"	31,785				31,785
The Salvation Army "Hotel Food"	10,000				10,000
United Way "UW Information & Referral Program"	13,044				13,044
MPD "Crime Free Multi-Housing Project"	150,000				150,000
Children Crisis Center "Cricket's House Respite Childcare"	18,720				18,720
Children's Crisis Center "Sawyer House Nursery Expansion Project"	13,000				13,000
Parent Resource Center "The ABCs of Childcare Expansion & Enhancement"	21,747				21,747
Project Sentinel "Fair Housing"	22,000				22,000
DRAIL "Assistive Technology Services"	18,000				18,000
Project Sentinel "Tenant-Landlord Services"	24,569				24,569
Victory Life Center/Modesto Love Center "Commodity Supplement Food Program"	15,470				15,470
<b>Public Services for the Homeless (RLF)</b>				<b>109,443</b>	<b>109,443</b>
CHSS "Homeless Prevention Case Management"				29,720	29,720
Interfaith Ministries "Santa Fe Homeless Shelter"				42,800	42,800
The Salvation Army "Homeless Noon Meals Program Center for Human Services "Pathways Transitional Living Program"				10,000	10,000
Children's Crisis Center "Sawyer House Children's Homeless Shelter"				16,860	16,860
				10,063	10,063
<b>Program Administration &amp; Planning</b>	<b>622,227</b>				<b>622,227</b>
General Administration	492,134				492,134
Indirect Administration	83,648				83,648
Fair Housing Services	35,000				35,000
Planning & Capacity Building	11,445				11,445
<b>Loan Repayment</b>	<b>361,000</b>				<b>361,000</b>
Repayment for Section 108 Loan Guarantee	361,000				361,000
<b>RLF Interest Payment</b>				<b>50,000</b>	<b>50,000</b>
Interest Payment				50,000	50,000
<b>TOTAL</b>	<b>2,854,000</b>	<b>200,000</b>	<b>180,000</b>	<b>1,750,000</b>	<b>4,984,000</b>

## FY 2004-2005 HOME Budget

<u>HOME Funding</u>	<u>FY04-05 Entitlement</u>	<u>Program Income</u>	<u>TOTAL</u>
Entitlement	1,375,817		1,375,817
American Dream Down Payment Initiative (ADDI)	116,089		116,089
<i>American Dream Down Payment Initiative (ADDI) - FY02-03</i>	53,251		53,251
<i>American Dream Down Payment Initiative (ADDI) - FY03-04</i>	62,838		62,838
Program Income		100,000	100,000
<b>FUNDING TOTAL</b>	<b>1,491,906</b>	<b>100,000</b>	<b>1,591,906</b>

<u>HOME Budget</u>	<u>FY04-05 Entitlement</u>	<u>Program Income</u>	<u>TOTAL</u>
<b>Housing Development, Preservation &amp; Home Ownership</b>	<b>1,238,235</b>	<b>100,000</b>	<b>1,338,235</b>
Affordable Housing Direct Loans	935,791	100,000	1,035,791
CHDO Set-Aside (15%)	206,373		206,373
CHDO Operating (5%)	68,791		68,791
Tenant Based Rental Assistance (TBRA)	27,281		27,281
<b>Administration</b>	<b>137,582</b>		<b>137,582</b>
HOME Program Admin	137,582		137,582
<b>HOME TOTAL</b>	<b>1,375,817</b>	<b>100,000</b>	<b>1,475,817</b>

<b>American Dream Down Payment Initiative (ADDI)</b>	<b>116,089</b>		<b>116,089</b>
Down Payment Program - FY03-04	53,251		53,251
Down Payment Program - FY04-05	62,838		62,838
<b>American Dream Down Payment Initiative Total</b>	<b>116,089</b>		<b>116,089</b>
<b>HOME GRAND TOTAL</b>	<b>1,491,906</b>	<b>100,000</b>	<b>1,591,906</b>

## FY 2004-2005 ESG Budget

<u>ESG Funding</u>	<u>FY04-05 Entitlement</u>	<u>TOTAL</u>
Entitlement	105,715	105,715
<b>FUNDING TOTAL</b>	<b>105,715</b>	<b>105,715</b>

<u>ESG Budget</u>	<u>FY04-05 Entitlement</u>	<u>TOTAL</u>
<b>Public Services</b>	<b>105,715</b>	<b>105,715</b>
Interfaith Ministries "Redwood Family Center"	2,243	2,243
Interfaith Ministries "Santa Fe Emergency Shelter Project"	27,000	27,000
Center for Human Services "Hutton House Runaway & Homeless Youth Shelter"	1,700	1,700
Center for Human Services "Pathways, Transitional Living Program"	16,848	16,848
Children's Crisis Center "Cricket's House Children's Homeless Shelter"	14,040	14,040
ESG Unobligated reserved for "Winter Shelter"	43,884	43,884
<b>ESG TOTAL</b>	<b>105,715</b>	<b>105,715</b>

## **Appendix D**

### **Certifications**

**Applicant Assurances and Certifications** U.S. Department of Housing and Urban Development

OMB Approval No. 2501-0017  
(exp. 03/31/2005)

**Instructions for the HUD-424-B Assurances and Certifications**

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or an individual must provide the following assurances and certifications. By signing this form, you are stating that to the best of your knowledge and belief, all assertions are true and correct.

As the duly authorized representative of the applicant, I certify that the applicant [Insert below the Name and title of the Authorized Representative, name of Organization and the date of signature]:

Name: Jack R. Crist, Title: City Manager  
Organization: City of Modesto, Date: \_\_\_\_\_.

1. Has the legal authority to apply for Federal assistance, has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the program as described in the application and the governing body has duly authorized the submission of the application, including these assurances and certifications, and authorized me as the official representative of the applicant to act in connection with the application and to provide any additional information as may be required.
2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and implementing regulations (24 CFR Part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance OR if the applicant is a Federally recognized Indian tribe or its tribally designated housing entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1303).
3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and implementing regulations at 24 CFR Part 8, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance; except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.
4. Will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and the implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin; except an applicant which is an Indian tribe or its instrumentality which is excluded by statute from coverage does not make this certification and further except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

5. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR Part 24 and 24 CFR 42, Subpart A.
6. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and related Federal authorities prior to the commitment or expenditure of funds for property acquisition and physical development activities subject to implementing regulations at 24 CFR parts 50 or 58.
7. Will or will continue to provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an on-going drug-free awareness program to inform employees about --
    - (1) The dangers of drug abuse in the workplace;
    - (2) The applicant's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required in Paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

**Applicant Assurances and  
Certifications (Continued)**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2501-0017  
(exp. 03/31/2005)

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee has worked, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),

(b), (c), (d), (e), and (f).

(h). The applicant may insert in the space provided below the site(s) for the performance of work or may provide this information in connection with each application.

(i). Place of Performance (street address, city, county, state, zip code)

8. In accordance with 24 CFR Part 24, and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal, been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in the preceding paragraph of this certification; and

(d) Where the applicant is unable to certify to any of the statements in this certification, an explanation shall be attached.

(e) Will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the HUD without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

These certifications and assurances are material representations of the fact upon which HUD can rely when awarding a grant. If it is later determined that I, the applicant, knowingly made an erroneous certifications or assurance, I may be subject to criminal prosecution. HUD may also terminate the grant and take other available remedies.

**CERTIFICATIONS (91.225)**

**LOCAL GOVERNMENT CERTIFICATIONS**

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

**Drug Free Workplace** -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

**Anti-Lobbying --** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction --** The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan --** The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3 --** It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jack R. Crist, City Manager

Name & Title

## Specific CDBG Certifications

The Entitlement Community certifies that:

**Citizen Participation** -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

**Following a Plan** -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

**Use of Funds** -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) ~~2003, 2004~~ 2005 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

**Compliance With Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

**Compliance with Laws** -- It will comply with applicable laws.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

Jack R. Crist, City Manager

Name & Title

**OPTIONAL CERTIFICATION  
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

Jack R. Crist, City Manager  
Name & Title

## Specific HOME Certifications

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

**Eligible Activities and Costs** -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

**Appropriate Financial Assistance** -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jack R. Crist, City Manager

Name & Title

**LOCAL GOVERNMENT GRANTEE  
FY 2004 EMERGENCY SHELTER GRANTS PROGRAM  
CERTIFICATIONS BY THE CHIEF EXECUTIVE OFFICER**

I, Jack R. Crist, City Manager, ~~Chief Executive Officer~~ City Manager of City of Modesto, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 CFR 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

- (1) The requirements of 24 CFR 576.53 concerning the continued use of buildings for which emergency shelter grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
- (2) The building standards requirement of 24 CFR 576.55.
- (3) The requirements of 24 CFR 576.56, concerning assurances on services and other assistance to the homeless.
- (4) The requirements of 24 CFR 576.57, other appropriate provisions of 24 CFR Part 576, and other applicable Federal laws concerning nondiscrimination and equal opportunity.
- (5) The requirements of 24 CFR 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- (6) The requirement of 24 CFR 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
- (7) The requirements of 24 CFR Part 24 concerning the Drug Free Workplace Act of 1988.
- (8) The requirements of 24 CFR 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.

- (9) The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 576.56.
- (10) The requirements of 24 *CFR* 576.57(e) are met dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related authorities as specified in 24 *CFR* Part 58.
- (11) The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
- (12) The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that State and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of State and local resources.
- (13) HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under State and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the Department of Housing and Urban Development.

By: \_\_\_\_\_  
 Signature of Chief Executive Officer/ Date  
 City Manager

\_\_\_\_\_ Jack R. Crist \_\_\_\_\_  
 Typed Name of Signatory

\_\_\_\_\_ City Manager \_\_\_\_\_  
 Title

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

#### A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies. (This is the information to which jurisdictions certify).
4. For grantees who are individuals, Alternate II applies. (Not applicable jurisdictions.)
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

City of Modesto  
Tenth Street Place  
1010 Tenth Street  
Modesto, CA 95354

Check \_\_\_ if there are workplaces on file that are not identified here; The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F.

9. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

CITY OF MODESTO  
COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION FOR FUNDING

FY 2004-2005

**Continuation Statement**

Housing Rehabilitation Program

The identified project is a continuation project from the 1980 program year, at which time an Environmental Assessment was prepared and a Finding of No Significant Impact (FONSI) made. Since then, circumstances including the availability of additional data or advances in technology have not changed significantly. Substantial changes in the nature, magnitude or extent of the project have not been made, and no new activities have been added. There are no new circumstances or environmental conditions which may affect the project or have a bearing on its impacts, and no alternative has been selected which was not originally considered. Therefore, the FONSI is still valid, and the Environmental Assessment will not be re-evaluated.

---

Julie Hannon, Deputy Director  
Recreation and Neighborhood Services Division

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Date

CITY OF MODESTO  
COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION FOR FUNDING

FY 2004-2005

**Continuation Statement**

Emergency Home Repair Program

The identified project is a continuation project from the 1980 program year, at which time an Environmental Assessment was prepared and a Finding of No Significant Impact (FONSI) made. Since then, circumstances including the availability of additional data or advances in technology have not changed significantly. Substantial changes in the nature, magnitude or extent of the project have not been made, and no new activities have been added. There are no new circumstances or environmental conditions which may affect the project or have a bearing on its impacts, and no alternative has been selected which was not originally considered. Therefore, the FONSI is still valid, and the Environmental Assessment will not be re-evaluated.

\_\_\_\_\_  
Julie Hannon, Deputy Director  
Recreation and Neighborhood Services Division

\_\_\_\_\_  
Date

CITY OF MODESTO  
COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION FOR FUNDING

FY 2004-2005

Continuation Statement

Handicap Barrier Removal Program

The identified project is a continuation project from the 1980 program year, at which time an Environmental Assessment was prepared and a Finding of No Significant Impact (FONSI) made. Since then, circumstances including the availability of additional data or advances in technology have not changed significantly. Substantial changes in the nature, magnitude or extent of the project have not been made, and no new activities have been added. There are no new circumstances or environmental conditions which may affect the project or have a bearing on its impacts, and no alternative has been selected which was not originally considered. Therefore, the FONSI is still valid, and the Environmental Assessment will not be re-evaluated.

\_\_\_\_\_  
Julie Hannon, Deputy Director  
Recreation and Neighborhood Services Division

\_\_\_\_\_  
Date

**Application for  
Federal Assistance**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No.2501-0017 (exp. 03/31/2005)

1. Type of Submission  
 Application       Preapplication

2. Date Submitted	4. HUD Application Number
3. Date and Time Received by HUD	5. Existing Grant Number
	6. Applicant Identification Number

7. Applicant's Legal Name City of Modesto		8. Organizational Unit Recreation & Neighborhood Services Division	
9. Address (give city, county, State, and zip code) A. Address: 1010 Tenth Street, Sute 4300 (P.O. Box 642) B. City: Modesto C. County: Stanislaus D. State: California E. Zip Code:95353		10. Name,title,telephone number,fax number, and e-mail of the person to be contacted on matters involving this application (including area codes) A. Name: Julie Hannon B. Title: Deputy Director C. Phone: (209) 571-5417 D. Fax: (209) 544-3982 E. E-mail: jhannon@modestogov.com	
11. Employer Identification Number (EIN) or SSN		12. Type of Applicant (enter appropriate letter in box) <span style="float:right">C</span> A. State                                      I. University or College B. County                                     J. Indian Tribe C. Municipal                                 K. Tribally Designated Housing Entity (TDHE) D. Township                                 L. Individual E. Interstate                                 M. Profit Organization F. Intermunicipal                         N. Non-profit G. Special District                        O. Public Housing Authority H. Independent School District        P. Other (Specify)	
13. Type of Application <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Renewal <input type="checkbox"/> Revision If Revision, enter appropriate letters in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Amount B. Decrease Amount C. Increase Duration D. Decrease Duration E. Other (Specify)		14. Name of Federal Agency <b>U.S. Department of Housing and Urban Development</b>	
15. Catalog of Federal Domestic Assistance (CFDA) Number <span style="border: 1px solid black; padding: 2px;">14 — 218</span> Title: Community Development Block Grant (CDBG) Component Title:		16. Descriptive Title of Applicant's Program Housing Rehabilitation, Neighborhood Revitalization, Economic Development, Public Services, and Fair Housing Activities.	
17. Areas affected by Program (boroughs, cities, counties, States, Indian Reservation, etc.) Modesto, California			
18a. Proposed Program start date 7/1/04	18b. Proposed Program end date 6/30/05	19a. Congressional Districts of Applicant Eighteenth	19b. Congressional Districts of Program Eighteenth
20. Estimated Funding: Applicant must complete the Funding Matrix on Page 2.			
21. Is Application subject to review by State Executive Order 12372 Process? A. Yes <input type="checkbox"/> This preapplication/application was made available to the State Executive Order 12372 Process for review on: Date _____ B. No <input type="checkbox"/> Program is not covered by E.O. 12372 <input checked="" type="checkbox"/> Program has not been selected by State for review.			
22. Is the Applicant delinquent on any Federal debt? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," explain below or attach an explanation.			

## Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which HUD funding is being requested, and complete the certifications.

Grant Program*	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income	Total
CDBG	2,854,000.00						1,750,000.00	380,000.00	4,984,000.00
HOME	1,375,817.00							100,000.00	1,475,817.00
HOME - ADDI 2003	53,251.00								51,248.00
HOME - ADDI 2004	62,838.00								60,834.00
ESG	105,715.00								105,715.00
<b>Grand Totals</b>	<b>4,451,621.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,750,000.00</b>	<b>480,000.00</b>	<b>6,681,621.00</b>

\* For FHIPs, show both initiative and component

## Certifications

I certify, to the best of my knowledge and belief, that no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all sub awards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly.

Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage.

This application incorporates the Assurances and Certifications (HUD-424B) attached to this application or renews and incorporates for the funding you are seeking the Assurances and Certifications currently on file with HUD. To the best of my knowledge and belief, all information in this application is true and correct and constitutes material representation of fact upon which HUD may rely in awarding the agreement.

23. Signature of Authorized Official

Name (printed)

Jack R. Crist

Title

City Manager, City of Modesto

Date (mm/dd/yyyy)

**Application for  
Federal Assistance**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No.2501-0017 (exp. 03/31/2005)

1. Type of Submission <input checked="" type="checkbox"/> Application <input type="checkbox"/> Preapplication		2. Date Submitted	4. HUD Application Number
		3. Date and Time Received by HUD	5. Existing Grant Number
			6. Applicant Identification Number
7. Applicant's Legal Name City of Modesto		8. Organizational Unit Recreation & Neighborhood Services Division	
9. Address (give city, county, State, and zip code) A. Address: 1010 Tenth Street, Sute 4300 (P.O. Box 642) B. City: Modesto C. County: Stanislaus D. State: California E. Zip Code:95353		10. Name,title,telephone number,fax number, and e-mail of the person to be contacted on matters involving this application (including area codes) A. Name: Julie Hannon B. Title: Deputy Director C. Phone: (209) 571-5417 D. Fax: (209) 544-3982 E. E-mail: jhannon@modestogov.com	
11. Employer Identification Number (EIN) or SSN		12. Type of Applicant (enter appropriate letter in box) <input type="checkbox"/> C	
13. Type of Application <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Renewal <input type="checkbox"/> Revision If Revision, enter appropriate letters in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Amount B. Decrease Amount C. Increase Duration D. Decrease Duration E. Other (Specify)		A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. University or College J. Indian Tribe K. Tribally Designated Housing Entity (TDHE) L. Individual M. Profit Organization N. Non-profit O. Public Housing Authority P. Other (Specify)	
15. Catalog of Federal Domestic Assistance (CFDA) Number 14 — 239 Title: HOME Investment Partnership Grant (HOME) Component Title:		14. Name of Federal Agency U.S. Department of Housing and Urban Development	
16. Descriptive Title of Applicant's Program Housing Rehabilitation, Neighborhood Revitalization, Economic Development, Public Services, and Fair Housing Activities.			
17. Areas affected by Program (boroughs, cities, counties, States, Indian Reservation, etc.) Modesto, California			
18a. Proposed Program start date 7/1/04	18b. Proposed Program end date 6/30/05	19a. Congressional Districts of Applicant Eighteenth	19b. Congressional Districts of Program Eighteenth
20. Estimated Funding: Applicant must complete the Funding Matrix on Page 2.			
21. Is Application subject to review by State Executive Order 12372 Process? A. Yes <input type="checkbox"/> This preapplication/application was made available to the State Executive Order 12372 Process for review on: Date _____ B. No <input type="checkbox"/> Program is not covered by E.O. 12372 <input checked="" type="checkbox"/> Program has not been selected by State for review.			
22. Is the Applicant delinquent on any Federal debt? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," explain below or attach an explanation.			

## Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which HUD funding is being requested, and complete the certifications.

Grant Program*	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income	Total
CDBG	2,854,000.00							380,000.00	3,234,000.00
HOME	1,375,817.00							100,000.00	1,475,817.00
HOME - ADDI 2003	53,251.00								51,248.00
HOME - ADDI 2004	62,838.00								60,834.00
ESG	105,715.00								105,715.00
<b>Grand Totals</b>	<b>4,451,621.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>480,000.00</b>	<b>4,931,621.00</b>

\* For FHIPs, show both initiative and component

## Certifications

I certify, to the best of my knowledge and belief, that no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all sub awards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly.

Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage.

This application incorporates the Assurances and Certifications (HUD-424B) attached to this application or renews and incorporates for the funding you are seeking the Assurances and Certifications currently on file with HUD. To the best of my knowledge and belief, all information in this application is true and correct and constitutes material representation of fact upon which HUD may rely in awarding the agreement.

23. Signature of Authorized Official

Name (printed)

Jack R. Crist

Title

City Manager, City of Modesto

Date (mm/dd/yyyy)

**Application for  
Federal Assistance**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No.2501-0017 (exp. 03/31/2005)

1. Type of Submission

Application

Preapplication

2. Date Submitted	4. HUD Application Number
3. Date and Time Received by HUD	5. Existing Grant Number
	6. Applicant Identification Number

7. Applicant's Legal Name City of Modesto		8. Organizational Unit Recreation & Neighborhood Services Division		
9. Address (give city, county, State, and zip code) A. Address: 1010 Tenth Street, Sute 4300 (P.O. Box 642) B. City: Modesto C. County: Stanislaus D. State: California E. Zip Code:95353		10. Name,title,telephone number,fax number, and e-mail of the person to be contacted on matters involving this application (including area codes) A. Name: Julie Hannon B. Title: Deputy Director C. Phone: (209) 571-5417 D. Fax: (209) 544-3982 E. E-mail: jhannon@modestogov.com		
11. Employer Identification Number (EIN) or SSN		12. Type of Applicant (enter appropriate letter in box) <table border="1" style="float: right;"> <tr><td>C</td></tr> </table> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. University or College J. Indian Tribe K. Tribally Designated Housing Entity (TDHE) L. Individual M. Profit Organization N. Non-profit O. Public Housing Authority P. Other (Specify)		C
C				
13. Type of Application <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Renewal <input type="checkbox"/> Revision If Revision, enter appropriate letters in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Amount B. Decrease Amount C. Increase Duration D. Decrease Duration E. Other (Specify)		14. Name of Federal Agency U.S. Department of Housing and Urban Development		
15. Catalog of Federal Domestic Assistance (CFDA) Number <table border="1" style="float: right;"> <tr><td>14 - 231</td></tr> </table> Title: Emergency Shelter Grant (ESG) Component Title:		14 - 231	16. Descriptive Title of Applicant's Program Housing Rehabilitation, Neighborhood Revitalization, Economic Development, Public Services, and Fair Housing Activities.	
14 - 231				
17. Areas affected by Program (boroughs, cities, counties, States, Indian Reservation, etc.) Modesto, California				
18a. Proposed Program start date 7/1/04	18b. Proposed Program end date 6/30/05	19a. Congressional Districts of Applicant Eighteenth	19b. Congressional Districts of Program Eighteenth	
20. Estimated Funding: Applicant must complete the Funding Matrix on Page 2.				
21. Is Application subject to review by State Executive Order 12372 Process? A. Yes <input type="checkbox"/> This preapplication/application was made available to the State Executive Order 12372 Process for review on: Date _____ B. No <input type="checkbox"/> Program is not covered by E.O. 12372 <input checked="" type="checkbox"/> Program has not been selected by State for review.				
22. Is the Applicant delinquent on any Federal debt? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," explain below or attach an explanation.				

## Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which HUD funding is being requested, and complete the certifications.

Grant Program*	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income	Total
CDBG	2,854,000.00							380,000.00	3,234,000.00
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<b>Grand Totals</b>	<b>4,451,621.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>480,000.00</b>	<b>4,931,621.00</b>

\* For FHIPs, show both initiative and component

## Certifications

I certify, to the best of my knowledge and belief, that no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-L.L.L., Disclosure Form to Report Lobbying. I certify that I shall require all sub awards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly.

Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage.

This application incorporates the Assurances and Certifications (HUD-424B) attached to this application or renews and incorporates for the funding you are seeking the Assurances and Certifications currently on file with HUD. To the best of my knowledge and belief, all information in this application is true and correct and constitutes material representation of fact upon which HUD may rely in awarding the agreement.

23. Signature of Authorized Official

Name (printed)

Jack R. Crist

Title

City Manager, City of Modesto

Date (mm/dd/yyyy)

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-265**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL  
OPERATING BUDGET TO REFLECT APPROVED CHANGES TO THE HUD  
ANNUAL ACTION PLAN, TO INCLUDE ADJUSTMENTS TO PRIOR YEAR'S  
CARRYOVER REVENUES AND APPROPRIATIONS.**

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

WHEREAS, on May 13, 2003, by Resolution No. 2003- 241, the City Council approved the 2003-2004 HUD Annual Action Plan, and on December 11, 2003, by Resolution No. 2003-654, the City Council approved the first amendment to the 2003-2004 HUD Annual Action Plan, and

WHEREAS, since then, staff has determined that changes should be made to programs and services provided to better meet the needs of the citizens of Modesto, and

WHEREAS, City staff has proposed a second amendment to the 2003-2004 HUD Annual Action Plan, and

WHEREAS, these program changes require re-allocation of operating budget funds, and

WHEREAS, re-allocation of these funds is more fully described on **Exhibit "A"**, attached hereto and incorporated by reference, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) considered the proposed changes to the HUD 2003-2004 Annual Action Plan at its April 23, 2004, meeting, and recommended that the City Council approve the second amendment to the 2003-2004 HUD Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 11, 2004, to consider approval of the proposed second amendment to the HUD 2003-2004 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2003-2004 Annual Operating Budget is hereby amended to reallocate the Community Development Block Grant (CDBG) and HOME Investment Partnership Grant (HOME) funds as described on **Exhibit "A"** attached hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of May, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# REQUEST FOR BUDGET ADJUSTMENT

Exhibit "A"

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

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Funds 1130 & 1150

FY: 2003-2004  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	<u>Appr</u> Unit	<u>Current</u> Expenditure	<u>Increase/</u> (Decrease)	<u>Revised</u> Expenditure	<u>Description of Object</u>
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**REVENUES**

<b>FROM</b>					
<b>TO</b>					
1130-320-3252-3513	na	\$630,320	(\$52,883)	\$577,437	CDBG Entitlement
1130-320-3254-3511	na	\$705,852	(\$486,852)	\$219,000	CDBG Carryover
1130-320-3254-3513	na	\$1,492,824	(\$16,117)	\$1,476,707	CDBG Entitlement

**APPROPRIATIONS**

<b>FROM</b>					
<b>TO</b>					
1130-320-3254-0497	3250C	\$420,000	\$250,000	\$670,000	Direct Loan
1130-320-3254-0501	3250C	\$20,000	(\$10,000)	\$10,000	Alley Closure
1130-320-3254-0496	3250C	\$537,073	(\$10,000)	\$527,073	CDBG Direct Grants
1130-320-3254-0452	3250C	\$100,000	(\$100,000)	\$0	Interest Expenses
1130-320-3256-0261	3250C	\$10,000	(\$5,000)	\$5,000	Property Enhancement Program
1130-320-3256-0493	3250C	\$10,000	(\$10,000)	\$0	Housing Demolition
1130-320-3256-0491	3250C	\$22,500	(\$15,000)	\$7,500	Temporary Relocation
1130-320-3256-0181	3250C	\$1,000	(\$65,000)	(\$64,000)	Salary Adjustment
1130-320-3256-0191	3250C	\$556	(\$10,556)	(\$10,000)	Benefit Adjustment
1130-320-3256-0235	3250C	\$30,000	(\$15,000)	\$15,000	Services, Professional & Others
1130-320-3256-0260	3250C	\$10,000	(\$8,444)	\$1,556	Miscellaneous Services
1130-320-3256-0309	3250C	\$2,500	(\$1,000)	\$1,500	Tool Bank
<b>\$0</b>					
1150-320-3266-0497	na	\$1,040,000	(\$996,136)	\$43,864	RLF Direct Loan
1150-320-3266-0452	na	\$0	\$346,136	\$346,136	RLF Interest Expenses
1150-320-3266-0507	na	\$0	\$650,000	\$650,000	Property Acquisition
<b>\$0</b>					
1130-320-3252-0255	3250C	\$137,218	(\$52,883)	\$84,335	Services - City Force

**COMMENTS/JUSTIFICATION**

Budget adjustments required to reflect changes per Amendment to 2003-2004 HUD Annual Action Plan, including entries in AFIN so the budget in the City's financial system will match the funding sources from HUD.

# REQUEST FOR BUDGET ADJUSTMENT

Exhibit "A"

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

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: HOME Fund 1170

FY: 2003-2004  
 Transfer No. \_\_\_\_\_

<u>Fund-Agcy-Org-Object</u>	<u>Appr Unit</u>	<u>Current Expenditure</u>	<u>Increase/ (Decrease)</u>	<u>Revised Expenditure</u>	<u>Description of Object</u>
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**REVENUES**

<u>FROM</u>					
<u>TO</u>					
1170-320-3258-3517	na	\$139,158	(\$46,478)	\$92,680	HOME Entitlement
1170-320-3258-3512	na	\$0	\$46,478	\$46,478	HOME Carryover
			<b>\$0</b>		
1170-320-3259-3517	na	\$1,243,418	\$46,478	\$1,289,896	HOME Entitlement
1170-320-3259-3512	na	\$1,236,640	\$327,569	\$1,564,209	HOME Carryover
			<b>\$374,047</b>		

**APPROPRIATIONS**

<u>FROM</u>					
<u>TO</u>					
1170-320-3259-0510	3259C	\$25,000	\$20,000	\$45,000	TBRA
1170-320-3259-0497	3259C	\$2,271,708	(\$31,224)	\$2,240,484	Direct Loan
1170-320-3259-0508	3259C	\$207,236	\$385,271	\$592,507	CHDO
			<b>\$374,047</b>		

**COMMENTS/JUSTIFICATION**

Budget adjustments required to reflect changes per Amendment to 2003-2004 HUD Annual Action Plan.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-266**

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS  
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY  
CREEK MEADOWS SUBDIVISIONS NOS. 1-6.**

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

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

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Street and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by the Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2004-05.
2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that

the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 13th day of July, 2004, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-267**

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2.**

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

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

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2004-05.
2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance

Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 13<sup>th</sup> day of July, 2004, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-268**

**A RESOLUTION SUMMARILY VACATING AND ABANDONING A 10-FOOT  
PUBLIC UTILITY EASEMENT LOCATED ON 1460 EAST ORANGEBURG  
AVENUE IN THE CITY OF MODESTO**

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

WHEREAS, the City of Modesto has received a request from MARK JACOBS, owner, to abandon a 10-foot Public Utility Easement located on 1460 East Orangeburg Avenue on APN 032-009-044, and

WHEREAS, this easement was created and dedicated to the City of Modesto on January 25, 1966 on the Greenbrier No. 1 Subdivision Map Vol. 21; Page 29, and

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

WHEREAS, said easement referred to above on the real property located on 1460 East Orangeburg Avenue in the City of Modesto is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference, and

WHEREAS, the Engineering and Transportation Department has contacted the Operations and Maintenance Department, Community and Economic Development Department, and all public utilities and none of these agencies have any objection to the abandonment, and

WHEREAS, the Council of the City of Modesto finds and declares that:

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

2. The use of the property described in **Exhibit "A"**, attached hereto, is a 10-foot Public Utility Easement located on 1460 East Orangeburg Avenue in the City of Modesto, which is more particularly described in **Exhibit "A"**, has been superseded by relocation and there are no other public facilities within the easement and the easement is no longer required for public utilities.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot Public Utility Easement located on 1460 East Orangeburg Avenue in the City of Modesto, which is more particularly described in **Exhibit "A"** which is attached hereto and incorporated by reference, be and is hereby vacated and abandoned.

BE IT FURTHER RESOLVED the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder's Office and that such vacation and abandonment shall become effective immediately upon such recordation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

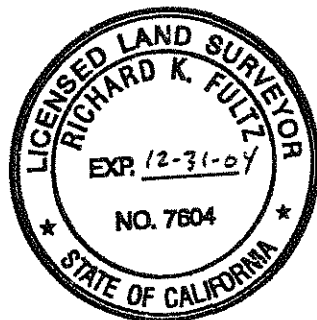
By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

EXHIBIT A

DESCRIPTION

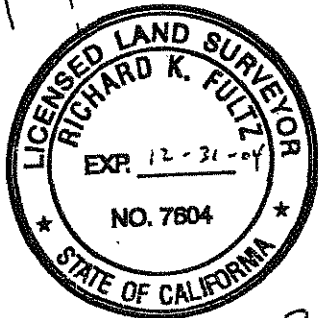
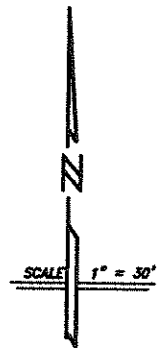
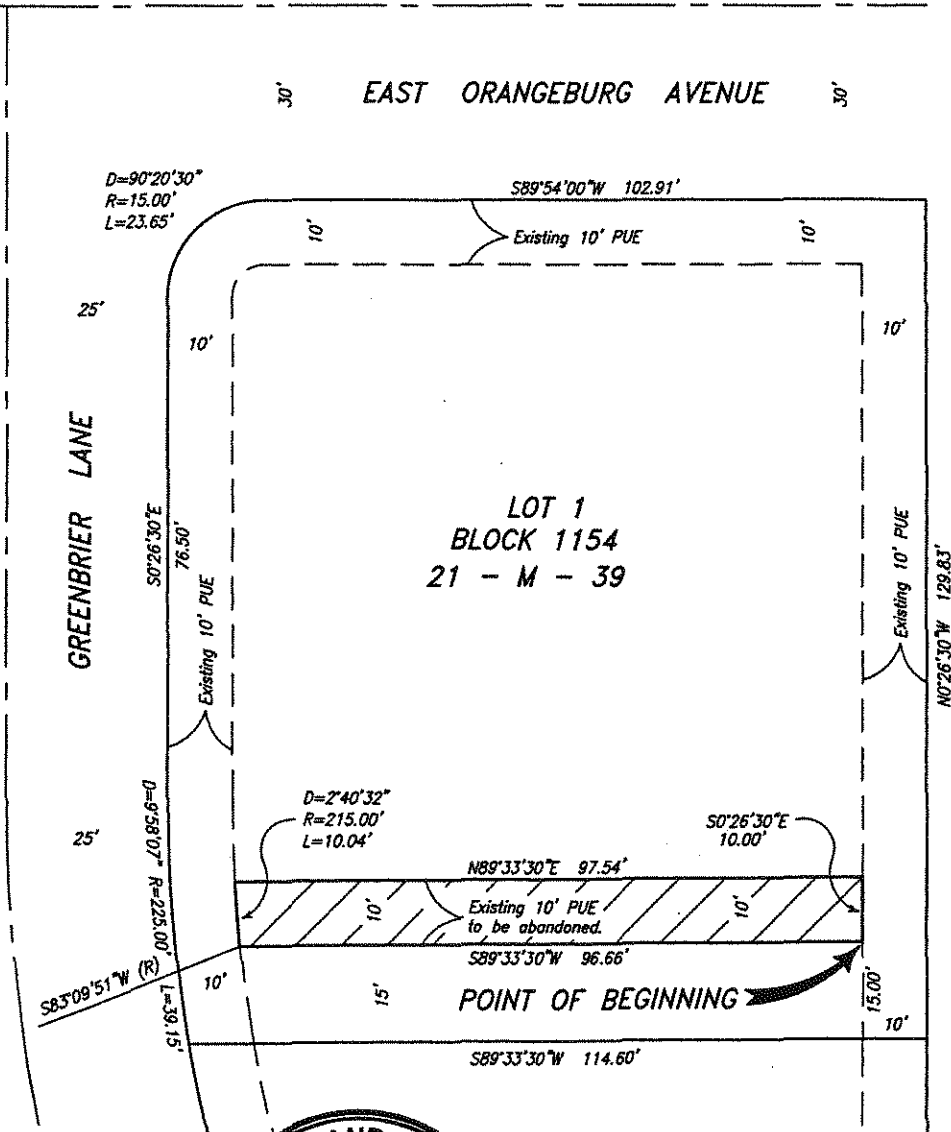
A portion of Lot 1, Block 1154 as shown on the map of "Greenbrier No. 1" recorded in Volume 21 of Maps, at Page 39, Stanislaus County Records located in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the southeast corner of said Lot 1; thence South  $89^{\circ}33'30''$  West along the south line of said Lot 1, a distance of 10.00 feet; thence North  $0^{\circ}26'30''$  West 15.00 feet to the POINT OF BEGINNING; thence South  $89^{\circ}33'30''$  West along a line parallel with and 15.00 feet north of the said south line of Lot 1, a distance of 96.66 feet to the beginning of a non-tangent curve to which a radial line bears South  $83^{\circ}09'51''$  West from the center; thence 10.04 feet along the arc of said non-tangent curve concave to the east with a radius of 215.00 feet and a central angle of  $2^{\circ}40'32''$ ; thence North  $89^{\circ}33'30''$  East along a line parallel with and 25.00 feet north of the said south line of Lot 1, a distance of 97.54 feet; thence South  $0^{\circ}26'30''$  East along a line parallel with and 10.00 west of the east line of said Lot 1, a distance of 10.00 feet to the point of beginning.



*R. K. Fultz*

# EXHIBIT 'B'



*Richard K. Fulz*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 –269**

**A RESOLUTION APPROVING A ONE-YEAR LEASE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND MORRIS B. BALL FOR SUITE “A”  
IN THE AIRPORT’S OFFICE BUILDING NO. 2**

WHEREAS, Morris B. Ball, an individual and general aviation tenant at the Modesto City/County Airport, wishes to rent Suite A in the Airport’s Office Building No. 2 from which he can perform general office-related activities, and

WHEREAS, vacant office space is available to rent in Office Building No. 2 at the Modesto City-County Airport, and

WHEREAS, the lease agreement is for one-year, and it is expected to increase revenues in the airport enterprise fund by approximately \$6,200 a year, and

WHEREAS, the City’s policy as stated in Modesto Municipal Code Section 7-3.417 is to enter into lease agreements at Modesto City-County Airport, and

WHEREAS, there have been no other aviation or non-aviation users expressing any interest in leasing Suite A in Office Building No. 2, and

WHEREAS, the City Council has entered into similar office lease agreements with non-aviation users to lease office space at the Modesto City/County airports and those leases are still in effect with the same tenants.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a one-year office lease with Morris B. Ball for the purpose of conducting general office related activities.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 270**

**A RESOLUTION APPROVING A REVISED POLICY FOR INVESTMENT OF  
PUBLIC FUNDS, POLICY NO. 1.019**

WHEREAS, pursuant to Section 2-3.401 of the Modesto Municipal Code, it is the function of the City of Modesto (“City”) Finance Department to deposit and invest funds in accordance with sound treasury management, and

WHEREAS, the City is also governed by Sections 53600 et seq. of the California Government Code, which requires that local agencies annually adopt an investment policy, and

WHEREAS, the City Council approved a contract on February 3, 2004 with Public Financial Management (PFM), an investment services advisor, to provide investment management, research and supervision of the City’s Managed Funds, and

WHEREAS, PFM has reviewed the City’s Investment Policy and is recommending changes to bring the policy up to date and more in line with the City’s general investment philosophy, and

WHEREAS, by an Agenda Report dated May 13, 2004, from the Deputy Director of Finance, the recommendation has been made to revise Policy No. 1.019 relating to the Investment of Public Funds, and

WHEREAS, a copy of the proposed policy is marked **Attachment “A”**, attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the revised policy for Investment of Public Funds, Policy No. 1.019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None.

ATTEST:


  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

# ATTACHMENT A

 CITY of MODESTO	CITY COUNCIL POLICY	<u>POLICY NO.:</u> <u>1.019</u>
SUBJECT: INVESTMENT POLICY		

## PURPOSE

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

## BACKGROUND

Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the “prudent investor” rule which states that:

“When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

~~“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not of speculation, but for investments, considering the probable safety of their capital as well as the probable cause to be derived.”~~

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

## INVESTMENT REPORT

The Finance Director/Treasurer shall provide the City Council with a monthly report of investment transactions. In addition, the Finance Director/Treasurer shall render a quarterly report to the City Council, City Manager and the internal auditor within 30 days following the

end of the quarter. The report shall contain the following:

1. The type of investment, issuer, purchase date, date of maturity, credit rating, overall portfolio yield based on cost, total par and dollar amount invested on all securities, investments and monies.
2. The weighted average maturity of the portfolio.
3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.
4. The market value as of the date of the report, and the source of the valuation.
5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.
6. A statement denoting the City's ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

#### **INVESTMENT CRITERIA**

Public funds are invested in the following manner in order of priority:

1. **Safety of Principal**

The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. **Liquidity**

The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. **Yield**

Yield is the potential dollar earnings, or rate of return, an investment can provide. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

#### **SAFEKEEPING AND CUSTODY**

All security transactions entered into by the City shall be conducted on a delivery-versus-payment basis. Securities will be held by third party custodian designated by the Finance

Director/Treasurer and evidenced by safekeeping receipts.

The only exception to the foregoing are Local Agency Investment Pools, Certificates of Deposit, and money market funds since the purchased securities are not deliverable. In all cases, purchased securities shall be held in the City's name.

### **PERFORMANCE STANDARDS**

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. The City will measure the portfolio's performance against a market benchmark that is commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

### **AUTHORIZED INVESTMENTS**

Commencing with Section 53601 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

- A. **City of Modesto bonds.** Bonds issued by the City.
- B. **U.S. Treasury securities.** United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.
- C. **State of California securities.** Registered State of California warrants, treasury notes or bonds, provided that the securities are rated AAA by a nationally recognized statistical rating agency.
- D. **California municipal securities.** Bonds, notes, warrants or other evidence of indebtedness of any local agency within California, provided that the securities are rated AAA by a nationally recognized statistical rating agency.
- E. **Federal Agency securities.** Obligations issued by a federal agency or United States government-sponsored enterprise.
- F. **Bankers' Acceptances.** Bankers' Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by a nationally recognized statistical rating agency.

Purchases of Bankers' Acceptances may not exceed 180 days maturity or 40 percent of the City's surplus money. The maximum amount permitted to be invested in the Banker's Acceptances of any one commercial bank is the greater of 10 percent of the City's surplus funds or \$1 million.

~~Bills of exchange or time drafts (bankers acceptances) drawn on and accepted by a commercial bank.~~

**G. Commercial Paper.** Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

(1) The entity meets the following criteria: (a) is organized and operating within the United States as a general corporation. (b) Has total assets in excess of \$500 million. (c) Has debt other than commercial paper, if any, that is rated "A" or higher by a nationally recognized statistical-rating organization (NRSRO).

(2) The entity meets the following criteria: (a) is organized within the United States as a special purpose corporation, trust, or limited liability company. (b) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond.

Investments in commercial paper are limited to a maximum of 25% of the portfolio. Purchases shall not exceed 10 percent of the outstanding paper of the issuing corporation. The maximum investment maturity is restricted to 270 days.

~~Commercial paper of "prime" quality.~~

**H. Certificates of Deposit.** FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California. Eligible investments are restricted to those issuing institutions that have been in business at least five years. The maximum term for deposits shall be one year. Investments in certificates of deposit are further limited to 20% of surplus funds. All time deposits must be collateralized in accordance with California Government Code section 53561. The City, at its discretion, may waive the collateralization requirements for any portion of the deposit that is covered by federal insurance.

**I. Negotiable Certificates of Deposit.** Negotiable certificates of deposit issued by a nationally- or state-chartered bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated "AA" or better by Moody's or Standard & Poor's. Investments in negotiable certificates of deposit are limited to 30 percent of the portfolio.

~~H. Certificates of deposit (CD) and negotiable certificates of deposit (NCD) issued by a nationally or state-chartered bank or a state or federal association or a state-licensed branch of a foreign bank.~~

**J. Repurchase Agreements.** Repurchase Agreements used solely as short-term investments not to exceed 90 days.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities as described in 1 and 2 will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the City's custodian bank versus payment or be handled under a tri-party repurchase agreement. The total of all collateral for each Repurchase Agreement must equal or exceed, on the basis of market value plus accrued interest, 102 percent of the total dollar value of the money invested by the City for the term of the investment. For any Repurchase Agreement with a term of more than one day, the value of the underlying securities must be reviewed on a regular basis.

Market value must be calculated each time there is a substitution of collateral.

The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.

The City may enter into Repurchase Agreements with (1) primary dealers in U.S. Government securities who are eligible to transact business with, and who report to, the Federal Reserve Bank of New York, and (2) California and non-California banking institutions having assets in excess of \$1 billion and in the highest short-term rating category as provided by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

The City will have specific written agreements with each firm with which it enters into Repurchase Agreements.

**K. Reverse Repurchase Agreements.** The City may invest in reverse repurchase agreements only with "primary dealers" with which the City has entered into a master repurchase agreement contract. The City may invest in reverse repurchase agreements with the following conditions: The City may only use reverse repurchase agreements to (1) cover a temporary cash shortage, or (2) augment earnings. Reverse repurchase agreements may not be used to leverage the portfolio.

In addition, if a reverse repurchase agreement is authorized, it may be utilized only if the security to be sold on reverse repurchase agreement has been owned and fully paid for by the City for a minimum of 30 days prior to the sale; the total of all reverse repurchase agreements on investments owned by the City does not exceed 20% of the portfolio; and the agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of the security using a reverse repurchase agreement and the final maturity date of the same security. The proceeds of the reverse repurchase agreement may not be invested in securities whose maturity exceeds the term of the Reverse Repurchase Agreement. I-

—Investment in repurchase agreements or reverse repurchase agreements of any authorized securities.

**L. Medium-term corporate notes .** Medium-term corporate notes defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the U.S. or any state and operating within the U.S.

Medium-term notes shall be rated in a rating category "AA-" or its equivalent or better by a nationally recognized rating service. Purchase of medium-term corporate notes may not exceed 30 percent of the City's investment portfolio.

~~Medium-term corporate notes of a maximum of five years maturity issued by corporations operating within the United States.~~

M. Money market funds. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (money market funds). ~~Shares of beneficial interest issued by diversified management companies as defined in Section 23701(m) of the Revenue and Taxation Code (mutual funds).~~

N. State of California Local Agency Investment Fund (LAIF).

O. Mortgage and asset-backed securities. Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond that has been issued by a Federal Agency and has of a maximum of five years maturity.

### MAXIMUM MATURITY

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit the City to meet all projected obligations.

Maximum maturity of an authorized investment is limited to five years.

Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

### INELIGIBLE INVESTMENTS

Any security type or structure not specifically approved by this policy is hereby specifically prohibited. Security types which are thereby prohibited include, but are not limited to,

Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.

Investment in any security that could result in a zero interest accrual if held to maturity is prohibited.

~~Detailed descriptions of investment instruments and terms are provided in Appendix A-Glossary.~~

### RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER

A. Prior approval of the Finance Director/Treasurer is required for the following transactions:

- Sale of securities
- Swaps and trades
- Purchase of collateralized mortgage obligations (CMO)
- Purchase of mortgage-backed obligations
- Purchase of corporate notes
- Purchase transaction in excess of \$3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

- Futures and options
- Small Business Administration notes

### **AUTHORIZED INVESTMENT PERSONNEL**

Pursuant to the Government Code, the City Council delegates the authority to invest or to reinvest funds, or to sell or exchange securities so purchased, to the Finance Director/Treasurer for a one-year period. The Finance Director/Treasurer is charged with the responsibility for carrying out the policies of the City Council and shall assume full responsibility for investment transactions until the delegation of authority is revoked or expires.

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Finance Director/Treasurer may designate an individual(s) ["Designee"] to be responsible for the daily management of the City's portfolio of treasury investments. The Designee may also be directed to monitor and forecast the City's cash flows, and prepare periodic investment reports that are submitted to the City Council. The Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

~~The Finance Director/Treasurer or Designee is authorized to make all investment transactions allowed by the Investment Policy. The Finance Director/Treasurer may authorize the Designee to enter into investments within specified parameters. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.~~

Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated

that these services produce a net financial advantage or necessary financial protection of the City's resources.

### **POLICY REVIEW**

The investment policy shall be adopted by resolution of the City Council on, at minimum, an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.

This policy and the internal controls related to the investment of City funds will be reviewed by the City's independent external auditors in the conduct of their annual audit of the City.

## APPENDIX A - GLOSSARY

### Bankers Acceptances (BAs)

Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to<sup>1</sup> finance the exchange of goods. When a bank “accepts” such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

### Certificates of Deposit (CDS)

A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

**A negotiable certificate of deposit** may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

**A non-negotiable certificate of deposit** is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

### Collateralized Mortgage Obligation (CMO)

A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

### Commercial Paper (CP)

This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

### Derivatives

A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term “derivative products” refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

### Federal Agency Securities

Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major federal agencies are described as follows:

**Federal National Mortgage Association (FNMA, “Fannie Mae”)** provides funds to the mortgage market primarily by purchasing loans from local lenders.

**Federal Home Loan Mortgage Corporation (FHLMC, "Freddie Mac")** purchases conventional mortgages and sells mortgage-backed securities.

**Student Loan Marketing Association (SLMA, "Sallie Mae")** facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

**Federal Farm Credit System (FFCB)** sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

**Federal Home Loan Bank (FHLB)** acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

### **Futures**

Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

### **Local Agency Investment Fund (LAIF)**

State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

### **Medium-Term Notes**

Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

### **Options**

A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock's price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

### **Repurchase Agreement**

As authorized in Government Code Section 5360i(1), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government securities to be resold at a specific date and for a specific amount.

### **Reverse Repurchase Agreement**

This transaction is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer' interest for the use of the funds. The money "borrowed" on a "reverse repo" can be reinvested in higher yielding instruments.

**U.S. Treasury Securities**

The highest quality, most liquid debt investments available in the fixed income market-place; unconditionally backed by the “full faith and credit” of the U.S. Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-271**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR THE FURNISHING OF DISCING AND FLAIL MOWING SERVICES, ON A "CITYWIDE" BASIS, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$24,073**

WHEREAS, the Operations and Maintenance Department, Park Services Division has requested discing and flail mowing services for nine (9) City locations, consisting of approximately 196 total acres, and

WHEREAS, discing and flail mowing is performed as part of a weed abatement program on open fields to control the over-growth of weeds, and

WHEREAS, discing and flail mowing services shall be provided on a scheduled program determined by the Operations and Maintenance Department, Park Services Division, and

WHEREAS, by authorizing the Purchasing Supervisor to solicit formal request for bids, for a three (3) year agreement, with two (2) one-year extension options, the City will achieve the best value possible for discing and flail mowing services, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for discing and flail mowing services, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit formal request for bids as follows:

SECTION 1. The City Clerk shall call for public competitive sealed bids for the furnishing of discing and flail mowing services, for a three (3) year agreement, with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-272**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR THE FURNISHING OF TANK DIVING SERVICES, FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT, WATER DIVISION, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$42,150**

WHEREAS, the Operations and Maintenance Department, Water Division has requested tank diving services for seven (7) above ground non-elevated potable water storage tanks, and

WHEREAS, the tank diving services consist of performing all work necessary for the removal of sediments, touch-up and repair of corrosive areas, underwater closed circuit video inspection, visual inspections of the tank floor, interior coating and exterior coating, and underwater cutting and welding, and

WHEREAS, each tank varies in size, holding from .22 million gallons to 2.0 million gallons of potable water, and

WHEREAS, tank diving services shall be performed on an annual basis, scheduled by the Operations and Maintenance Department, Water Division, and

WHEREAS, by authorizing the Purchasing Supervisor to solicit formal request for bids, for a three (3) year agreement, with two (2) one-year extension options, the City will achieve the best value possible for tank diving services, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for tank diving services, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit formal Request for Bids as follows:

SECTION 1. The City Clerk shall call for public competitive sealed bids for the furnishing of tank diving services, for a three (3) year agreement, with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-273**

**A RESOLUTION APPROVING AN AGREEMENT WITH GARTNER CONSULTING IN THE AMOUNT OF \$99,500 TO CONDUCT A “BUSINESS PROCESS ANALYSIS AND SYSTEM REQUIREMENTS STUDY” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, it is the City’s goal to use state-of-the-art technology to provide an economically feasible information technology environment, which will improve access, reliability, productivity, efficiency and effectiveness, and which in turn will allow City staff to better serve the public and manage public resources, and

WHEREAS, the City utilizes a wide variety of computer applications to provide services to internal and external customers, and

WHEREAS, the existing applications lack the ability to share information in an enterprise manner, and

WHEREAS, the City desires to conduct a comprehensive analysis of systems and associated processes to improve current systems and implement future systems, and

WHEREAS, the development of a business process and system requirement plan is directly related to Strategic Plan item numbers “IV.L” and IV.M, which focus on increasing productivity through the use of information tools and increasing productivity through systems integration, and

WHEREAS, this project was coordinated with the City Attorney’s Office, City Manager’s Office, and the following City departments: Community and Economic Development, Finance, Information Technology, Operations and Maintenance and Parks, Recreation, and Neighborhoods, and

WHEREAS, the Finance Committee met on January 26th, 2004 and supported the

execution of an agreement with Gartner Consulting to perform the "Business Process Analysis and Systems Requirements Study" to go to the full Council for the review.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an agreement with Gartner Consulting in the amount of \$99,500.00 to perform a "Business Process Analysis and Systems Requirements Study".

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-274**

**A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND SUE FISCOE, DBA FISCOE  
MANAGEMENT (FM GOLF) AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE AMENDMENT TO THE AGREEMENT.**

WHEREAS, the City owns, operates and manages the Municipal Golf Course (“Municipal Course”), Dryden Park Municipal Golf Course (“Dryden Course”), Dryden Park Municipal Golf Course Driving Range (“Dryden Range”), Creekside Municipal Golf Course (“Creekside Course”) and Creekside Municipal Golf Course Driving Range (“Creekside Range”), and

WHEREAS, on March 21, 2000, the City of Modesto and FM Golf entered into an agreement under authority of Resolution No. 2000-131, retaining FM Golf as golf course professional to provide golf professional services at Municipal Course, Dryden Course, Dryden Range, Creekside Course, and Creekside Range, and

WHEREAS, also under authority of Resolution No. 2000-131, FM Golf was retained to provide food and beverage concession services at Municipal Course and Dryden Course Clubhouse, and

WHEREAS, on November 13, 2003, the City extended the agreement with FM Golf under authority of Resolution 2003-606 for a five-year period commencing on July 1, 2003, and

WHEREAS, it is the desire of CITY and FM Golf that FM Golf also provide food and beverage concession services at Creekside Municipal Golf Course, and

WHEREAS, at their May 3, 2004, meeting, the Safety and Communities Committee recommended amending the agreement with FM Golf to provide food services at Creekside Golf Course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the agreement with FM Golf to provide concession services at Creekside Municipal Golf Course.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-275**

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

WHEREAS, at the March 21, 2001, meeting, the City Council authorized the City Manager to submit an application and negotiate an agreement with the State of California Department of Transportation (Caltrans) for the use of Transportation Enhancement Activities (TEA) funds for a landscape beautification project within and near the Briggsmore/State Route 99 Interchange, and

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

WHEREAS, in the Fall of 2002, the City was notified that funding in the amount of \$1,300,000 in non-local funding was identified for this project, and

WHEREAS, on September 2, 2003, the City Council authorized the City Manager to execute two cooperative agreements with Caltrans, and

WHEREAS, following submission of the agreements to Caltrans, City staff was informed that Caltrans wanted to revise the agreements to consolidate them into one agreement and that funding was no longer certain for this project, and

WHEREAS, Caltrans has now completed the agreement and has notified City staff that funding is available, and

WHEREAS, the Transportation Policy Committee met on February 22, 2004 and endorsed the submittal of the TEA application, and

WHEREAS, the Safety and Communities Committee endorsed the original two agreements on August 4, 2003 and supported staff's recommendations to enter into a cooperative agreement on May 3, 2004,

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-276**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS TO PROVIDE LANDSCAPE ENHANCEMENT WITHIN AND NEAR THE BRIGGSMORE EXPRESSWAY INTERCHANGE, AND SUPPORTING THE PROPOSED EVALUATION CRITERIA FOR THE DESIGN OF SAID ENHANCEMENTS.**

WHEREAS, at the March 21, 2001, meeting, the City Council authorized the City Manager to submit an application and negotiate an agreement with the State of California Department of Transportation (Caltrans) for the use of Transportation Enhancement Activities (TEA) funds for a landscape beautification project within and near the Briggsmore/State Route 99 Interchange, and

WHEREAS, following submission of the agreements to Caltrans, City staff was informed that Caltrans wanted to revise the agreements to consolidate them into one agreement and that funding was no longer certain for this project, and

WHEREAS, Caltrans has now completed the agreement and has notified City staff that funding is available, and

WHEREAS, in order to proceed with the project, staff is requesting authorization to send a Request for Proposals (RFP) to the following landscape architectural firms, deemed most qualified based on their qualification package: Royston Hanamoto Alley and Abey; Callander Associates; and, Stantec Consulting, and

WHEREAS, on May 3, 2004, the Safety and Communities Committee supported staff's recommendations to proceed with a Request for Proposals and the proposed evaluation criteria, a copy of which is attached hereto as Exhibit "A", and is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to proceed with a Request For Proposals to provide landscape enhancement within and near the Briggsmore Expressway Interchange.

BE IT FURTHER RESOLVED that the proposed evaluation criteria, a copy of which is attached hereto as **Exhibit "A"**, and is incorporated herein by reference, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

SELECTION CRITERIA

A. EXPERIENCE (50%)

1. Years of experience of firm and/or its team as design professionals.
2. Broad Character and scope of past projects.
3. Experience of proposed team members in designs of similar magnitude, design requirements and complexity within past five years.
4. If experience is lacking, explanation by consultant as to why it should be selected over others with more experience.
5. History of repeat business with clients. Stipulate the number of previous contracts with the City of Modesto.

B. Analysis (40%)

6. Demonstrated management and organizational ability as relates to time management, scheduling, City staff/client relationships, etc., and the ability to meet deadlines.
7. Ability to execute complete designs of cost-effective and aesthetically pleasing highway landscape projects and produce a quality work order.

C. GENERAL (10%)

8. Size of firm and available staff appropriate to project size.
9. Location of firm in relation to City of Modesto and project size.
10. Firm reputation as relates to principles, credibility and attitude.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 277**

**A RESOLUTION ACCEPTING A GRANT ENTITLED "CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN" FROM THE STATE OFFICE OF TRAFFIC SAFETY FOR THE GOAL OF INCREASING STATEWIDE SEAT BELT USE TO 94 PERCENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS AND RESCINDING RESOLUTION NUMBER 2003-535**

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as California Seat Belt Compliance Campaign from the State Office of Traffic Safety (hereafter referred to as OTS), and

WHEREAS, the goal of the grant in the amount of \$101,392.00 is to increase statewide seat belt use to 94 percent in the year 2004 through the combined efforts of the California Highway Patrol, the State Office of Traffic Safety and local law enforcement, and

WHEREAS, the monies provided in this grant will provide for overtime police personnel for seat belt enforcement during a mobilization period from November 17 – 30, 2003 and will provide for overtime police personnel for seat belt enforcement during the following three mobilization periods:

May 24 – June 6, 2004,

August 12 – 18, 2004, and

September 2 – 8, 2004, and

WHEREAS, there is no required City match for this program and all costs are paid for by funds from the State, and

WHEREAS, the State Office of Traffic Safety and the City of Modesto have an executed agreement for a grant project in the amount of \$34,469.00 for the mobilization period of November 17 – 30, 2003, approved by Council Resolution Nnumber 2003-535,

and the State Office of Traffic Safety has chosen to incorporate that agreement into this new agreement which will cover all four mobilization periods and all the budget costs thereof,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a grant from the State Office of Traffic Safety in the amount of \$101,392.00 to participate in the California Seat Belt Compliance Campaign.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant contract with OTS, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

BE IT FURTHER RESOLVED that Resolution Number 2003 – 535, accepting the first Office of Traffic Safety agreement for the mobilization period of November 17 – 30, 2003, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-278**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003/2004 ANNUAL  
BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS AND  
RESCINDING RESOLUTION NUMBER 2003-536**

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as California Seat Belt Compliance Campaign from the State Office of Traffic Safety, and

WHEREAS, the goal of the grant in the amount of \$101,392.00 is to increase statewide seat belt use to 94 percent in the year 2004 through the combined efforts of the California Highway Patrol, the State Office of Traffic Safety and local law enforcement, and

WHEREAS, the monies provided in this grant will provide for overtime police personnel for seat belt enforcement during four mobilization periods of :

November 17 – 30, 2003,

May 24 – June 6, 2004,

August 12 – 18, 2004, and

September 2 – 8, 2004, and

WHEREAS, there is no required City match for this program and all costs are paid for by funds from the State, and

WHEREAS, the State Office of Traffic Safety and the City of Modesto have previously executed an agreement for a grant project in the amount of \$34,469.00 for the mobilization period of November 17 – 30, 2003, and by Resolution Number 2003-536 the fiscal year 2003/2004 budget was amended to estimate revenue and appropriate funds, and

WHEREAS, the State Office of Traffic Safety has chosen to incorporate that agreement into this new agreement which will cover all four mobilization periods and all the budget costs thereof,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to initiate this grant project, in the amount of \$101,392, the 2003/2004 Annual Budget is hereby amended as indicated below:

Expense:

To:	0410-190-2997-0130	\$19,599.00	Police Sergeant Overtime
		\$70,360.00	Police Officer Overtime
		\$7,091.00	CSO Overtime
		\$4,342.00	Police Clerk Overtime
	Total	\$101,392.00	

Revenue:

To:	0410-190-2997-3490	\$101,392.00	OTS Seat Belt Campaign
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

BE IT FURTHER RESOLVED that Resolution Number 2003 – 536, amending the 2003/2004 fiscal year budget in accordance with the financial terms of the original agreement, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 279**

**A RESOLUTION ACCEPTING TWO GRANTS, ONE IN THE AMOUNT OF \$6,470 FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING AND ONE IN THE AMOUNT OF \$43,024 FROM THE BOARD OF CORRECTIONS, APPROVING THE MODESTO JUVENILE IMPACT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS**

WHEREAS, the Modesto Police Department proposed a project to the State Office of Criminal Justice Planning designated the Modesto Juvenile Impact Program to continue the WAKE-UP (Willing to become Aware and to Gain Knowledge of Experiences that are Useful Program) sessions and the Diversion Clean-Up Work Details, and

WHEREAS, Modesto's allocation under this program was \$44,545 from the State with a match of \$4,949 for a total program amount of \$49,494 for the 2003/2004 fiscal year, and

WHEREAS, the grant covers the cost of six WAKE-UP sessions for a total of 210 at-risk or first-time offending diversion referred juveniles and their parents and 37 community clean-up work details for 370 first-time offending diversion referred juveniles, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Develop and implement **Youth Crime Prevention Programs,**" and

WHEREAS, this grant program was approved for a three month grant with the Office of Criminal Justice Planning for \$6,470 and for a nine month grant with the Board

of Corrections for \$43,024 because the Office of Criminal Justice Planning was eliminated in the 2003/2004 California State budget, and

WHEREAS, in anticipation of the approval of the Modesto Juvenile Impact Program, funds were budgeted in the 2003/2004 Police Department Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the two grants in the total amount of \$49,494 and approves the Modesto Juvenile Impact Program with the State Office of Criminal Justice Planning and the Board of Corrections.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City of Modesto agrees to provide the matching funds in the amount of \$4,949 for the program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-280**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003/04 BUDGET TO  
RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR THE 2003  
“MODESTO JUVENILE IMPACT PROGRAM”**

WHEREAS, the Modesto Police Department proposed a project to the State Office of Criminal Justice Planning designated the Modesto Juvenile Impact Program to continue the WAKE-UP (Willing to become Aware and to Gain Knowledge of Experiences that are Useful Program) sessions and the Diversion Clean-Up Work Details, and

WHEREAS, Modesto’s allocation under the Modesto Juvenile Impact Program was \$44,545 from the State with a match of \$4,949 for a total program amount of \$49,494 for the 2003/2004 fiscal year, and

WHEREAS, this grant program was approved for a three month grant with the Office of Criminal Justice Planning for \$6,470 and for a nine month grant with the Board of Corrections for \$43,024 because the Office of Criminal Justice Planning was eliminated in the 2003/2004 California State budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2003/04 Annual Budget is hereby amended as follows:

To:			
Revenue:	\$44,545	0410-190-2986-3507	2003 Juvenile Impact Grant
	\$ 4,949	0410-190-2986	City Match
To:			
Appropriations:	\$49,494	0410-190-2986	2003 Juvenile Impact Grant
		Various accounts	

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 281**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN AMENDMENT FOR AREA NO. 13 TO ALLOW THE CREATION OF 16 ADDITIONAL LOTS**

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

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

WHEREAS, an application has been filed by John Lagos for a Precise Plan Amendment for Area No. 13, property located east of Roselle Avenue, between Hillglen Avenue and Kodiak Drive, and

WHEREAS, the City’s Community & Economic Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2002-24, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2004-23, adopted on April 19, 2004, and City staff, by a report dated May 3, 2004, from the Community and Economic Development Department, recommended to the City Council approval of an amendment to Precise Plan Area No. 13, property located east of Roselle Avenue, between Hillglen Avenue and Kodiak Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 25, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2004-24, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR, and no new environmental document or findings are required by CEQA.
2. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.
3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required.
4. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,

- b. significant effects which were previously examined will be substantially more severe than previously shown; or,
  - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
  - d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
5. The Initial Study, Environmental Assessment EA/C&ED 2004-24, provides the substantial evidence to support findings 1-4, noted above.

A copy of said Environmental Assessment No. EA/C&ED 2004-24, is attached hereto as **Exhibit "A"**, and incorporated herein as reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Marsh

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"  
INITIAL STUDY  
EA/C&ED NO. 2004-24

**Determination:  
Project within the Scope of the  
Village One Specific Plan  
Program Environmental Impact Report for the  
Amendment to Precise Plan Area #13 & Lagos  
VTSM & Rush VTSM**

*Prepared for:*

City of Modesto  
P.O. Box 642  
Modesto, CA 95353  
Contact: Josh Bridegroom  
209/571-5540

*Prepared by:*

Josh Bridegroom, Associate Planner  
City of Modesto  
Community & Economic Development Department  
209/571-5540

April 9, 2004

# WRITTEN CHECKLIST

EA/C&ED No. 2004-24

## I. PURPOSE

This written checklist, pursuant to CEQA Guidelines Section 15168 (C) (4), serves to make a determination where subsequent activities of a Program EIR involve site-specific operations, based on evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR. Based on a review of the project and Section 15162(a), this determination would permit the lead agency (City of Modesto) to approve the activity as being within the scope of the project covered by the Program EIR. This determination includes whether any new environmental document is required beyond the adopted Village One Specific Plan Program EIR (SCH# 90020181) for the proposed Amendment to Precise Plan Area #13 and Lagos VTSM and Rush VTSM (project).

The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit "A." Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

## II. PROJECT INFORMATION

1. **Project Title:** Amendment to Precise Plan 13 & Lagos VTSM and Rush VTSM
2. **Lead Agency Name and Address:** City of Modesto
3. **Contact Person and Phone Number:** Josh Bridegroom, Associate Planner  
Modesto Community & Economic Development  
Department  
209/571-5540

4. **Project Location:** Between Hillglen Avenue and Kodiak Drive East of Oakdale Road.  
Modesto, California  
APN #s 085-001-061, 010, 017, 048
5. **Project Sponsor's Name and Address:** Associated Engineering  
4206 Technology Drive  
Modesto, Ca. 95354
6. **General Plan Designation:** The General Plan land use designation for the project site is: Village Residential (VR).
7. **Zoning:** Specific Plan Overlay (SP-O)
8. **Description of Project:** This is an application to amend Precise Plan Area No. 13, to allow the creation of 19 additional lots. The redesign affects the circulation and density of the previously approved Precise Plan. Specifically, it proposes to create an additional through street to Kodiak Drive and add 13 new lots to the southwest section of the precise plan and to construct a new cul-de-sac with six lots and a remainder out of a ranchette parcel, one parcel south of the intersection of Esta Avenue and the future extension of Hillglen Avenue. The Lagos VTSM proposes the creation of 50 lots on the northwest corner of Kodiak Drive and Esta Avenue. The Rush VTSM proposes the creation of six lots with a remainder on the southwest corner of Hillglen and Esta Avenues.
9. **Surrounding Land Uses and Setting:** The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded by single-family residential development and ranchettes.
10. **Other Public Agencies whose Approval Is Required:** None.

### **III. DETERMINATION:**

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15162 the following is true for the proposed project:

- (1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and
- (2) Major revisions to the Village One Program EIR as amended by the 1994

## IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

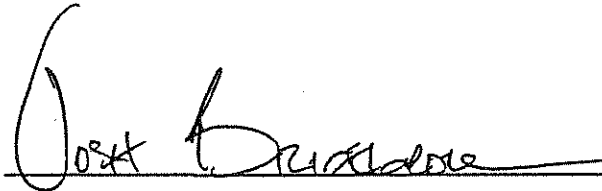
Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

### Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that as the Specific Plan area is developed, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area's visual open space. However, the program EIR found the effects of buildout of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed residential projects would not change the extent or nature of construction in the Specific Plan area, or cause any other changes in the project area. Impacts on scenic vistas would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area, and that development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This

Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

- (3) No new information of substantial importance that was not known has become available that shows:
  - a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,
  - b. identified significant effects will be more severe,
  - c. previously infeasible mitigation measures are now feasible,
  - d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.
- (4) Because no new significant effects have been identified and no new mitigation is required for the project, the environmental effects of the operation of the proposed project were covered by the Village One Program EIR as updated by the 1994 Supplement. Therefore, pursuant to CEQA Section 15168 (C) (4) no new environmental document is required.
- (5) Therefore, the projects known as Amendment to Precise Plan Area 13 and Lagos VTSM and Rush VTSM are within the scope of the Village One Program EIR.

 4/9/04  
Project Manager Date

finding would not be affected by the proposed residential projects. There would be no impact. No mitigation is required.

- c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed residential projects would not change the design or layout of the development proposed within the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
- d. The proposed residential development is consistent with the Village One Specific Plan. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**II. AGRICULTURAL RESOURCES.** In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed residential development would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the Village One Specific Plan area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific plan, and no lands in the project area are now zoned for agricultural use. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR identified a potential land use conflict between new residential uses in the specific plan area and adjacent agricultural uses. Such conflicts can lead to conversion of adjacent farmlands to other uses. The program EIR proposed mitigation measures for this potential impact that would reduce the impact's significance, although the EIR noted that the mitigation measure might not fully mitigate the impact. No additional mitigation measures are available for this impact. This finding would not be affected by the proposed project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**III. AIR QUALITY.** When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Conflict with or obstruct implementation of the applicable air quality plan?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

## Responses to Checklist Questions

- a. / b. The Village One Specific Plan program EIR found that air pollution from project-related construction traffic and fireplaces & wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state ozone, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR (Mitigation Measures 3–5), and the City of Modesto adopted a statement of overriding consideration for each impact. The proposed residential projects would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at buildout of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed residential development would not change the amount of traffic associated with buildout of Village One or the types of land uses, so trips

generated by the project would not be affected. There would be no additional impact. No mitigation is required.

- d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure 40). The proposed residential development would not change the level of construction emissions. There would be no additional impact. No mitigation is required.
- e. The proposed residential development would not create odors. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES.** Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that the buildout could result in the loss of foraging habitat for Swainson's Hawk, a state-listed threatened species. However, a Swainson's Hawk survey was conducted by a qualified biologist for the project site. The ensuing report (attached) found that the development of the project site would result in a less than significant impact to foraging habitat for Swainson's Hawk. Therefore, no mitigation is required.
- b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the project area, and so found that the project would have a less-than-significant impact. The proposed residential development would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.
- c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers, but that, with mitigation, the impact would be less than significant. The proposed residential development would not change the Specific Plan area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.
- d. The Village One Specific Plan program EIR did not identify any migratory corridors in the project area, nor did it find that the project would interfere with the movement of any species. The proposed residential development would not change the Specific Plan area boundaries. There would be no impact. No mitigation is required.
- e. / f. No local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans apply to the Village One Specific Plan area. There would be no impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Responses to Checklist Questions

- a.-d. Impacts on cultural resources resulting from the buildout of Village One (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area. Based on the results of this report, (Cultural and Historic Resources Report, page 3) it was determined that the likelihood that the proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. A Cultural Resources Assessment was prepared to determine if any of these affected structures are considered historic resources. The Cultural Resources Assessment is attached to this document as Appendix A. No historic structures are located within the project area boundaries. Therefore, no mitigation measures are necessary.

Since no archaeological, or paleontological resources were found in the previous document to be located in the project area, and since the proposed project would not have a significant impact on historic structures, there would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**VI. GEOLOGY AND SOILS.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  |                          |                          |                          |                                     |
|    | 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | 2. Strong seismic groundshaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | 3. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | 4. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed residential development would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed residential project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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### VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant	Less than Significant	Less-than- Significant	No Impact
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	Impact	with Mitigation Incorporated	Impact		
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed residential development would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. There would be no additional impact. No mitigation is required.
- g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed residential development would not change construction, land use, or other physical attributes of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

- h. The project site is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Approximately 50% of the project area remains undeveloped, with a covering of dry brush and vegetation. The potential for wildland fires is low, and this potential will decrease further as buildout continues. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**VIII. HYDROLOGY AND WATER QUALITY.**

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. | Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Otherwise substantially degrade water quality?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g. | Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. | Place within a 100-year flood hazard area structures that would impede or redirect floodflows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. | Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. | Contribute to inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.
- b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. However, the impact was found to be less than significant because the Specific Plan area is not a major groundwater recharge area and it includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed project would not change the amount of impervious surface in the Specific Plan area or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.
- c.-e. The Village One Specific Plan program EIR found that development will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts. The proposed project would not change the amount of impervious surface or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.
- f. The Village One Specific Plan program EIR did not find that development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
- g.-i. According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.

- j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**IX. LAND USE AND PLANNING.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Conflict with any applicable habitat conservation plan or natural community conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The proposed project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. Village One would continue to be developed as a planned community; therefore, the project would not divide an established community. There would be no impact, and no mitigation is required.
- b., c. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed project would be consistent with the Village One Specific Plan. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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**X. MINERAL RESOURCES.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

## Responses to Checklist Questions

- a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

### XI. NOISE. Would the project:

- c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?
- f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

- a., c. The Village One Specific Plan program EIR found that proposed residential housing in the project area would be exposed to noise levels exceeding general plan thresholds, but mitigation measures were incorporated to reduce the impact to a less-than-significant level. The proposed project would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR found that the buildout of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR found that construction of the proposed project would result in a substantial temporary increase in ambient noise levels for residential housing. However, mitigation measures were incorporated into the program EIR to reduce the impact to a less-than-significant

level. The proposed project would not change construction activities. There would be no additional impact. No mitigation is required.

- e. The Village One Specific Plan program EIR found that the Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XII. POPULATION AND HOUSING.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XIII. PUBLIC SERVICES.** Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that the only significant impact that buildout of the Village One Specific Plan area would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed project would not change the provision of public services. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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**XIV. RECREATION.** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a., b. No significant impacts on recreation were identified in the program EIR. The proposed project would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

## Responses to Checklist Questions

- a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan area or result in additional trips. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR did not find that the buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed project would not change roadway design or land uses. There would be no impact. No mitigation is required.
- e. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed project would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.
- f. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The provision of parking, consistent with zoning requirements for the proposed project, is included in the project design. There would be no impact. No mitigation is required.
- g. The proposed project does not include any changes related to transportation policies, and would have no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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### XVI. UTILITIES AND SERVICE SYSTEMS.

Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. | Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed project would not increase the amount of wastewater that will be generated at buildout of the Specific Plan area. There would be no additional impact. No mitigation is required.
- b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed project. No mitigation is required.
- c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on stormwater drainage facilities. An update to the Storm Drainage Master Plan has been prepared and is under consideration by the City.

An addendum to the Village One program EIR for the Storm Drainage Master Plan has also been prepared and is under consideration by the City. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addendum to the Village One Program EIR for the Storm Drainage Master Plan.

- d. The Village One Specific Plan program EIR found that, with mitigation, the effects of buildout of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed project. No mitigation is required.
- f., g. The Village One Specific Plan program EIR found that the area's landfills have sufficient permitted capacity to accommodate the project's solid waste disposal needs. The proposed project would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
- b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

**Responses to Checklist Questions**

- a. As described above, the proposed project would not result in any significant impacts on the environment over and above those associated with

implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

- b. As described above, the proposed project would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.
- c. As described above, the proposed project would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

## V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
2. Construction noise is regulated by the City's Noise Ordinance, Section 4.9 – 103. Construction noise is generally permitted during the hours of 7:00 am to 9:00 pm. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection for conformance with the City's Noise Ordinance.
3. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 2.07(A)(5), Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.
4. "All deeds for lots sold in this subdivision shall contain the following statement:  
  
"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various, chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

**SWAINSON'S HAWK FORAGING HABITAT SURVEY  
VILLAGE ONE  
Precise Plan Area 13**

Prepared for:  
**ASSOCIATED ENGINEERING, INC.**  
**4206 Technology Drive**  
**Modesto, CA 95356**

Prepared by:  
**WALTER TORDOFF, Ph.D.**  
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California State University, Stanislaus  
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**March 29, 2004**

## INTRODUCTION

Swainson's Hawk, *Buteo swainsoni*, is a species of large hawk that nests in the Central Valley of California. It is a California state listed threatened species and thus it is protected, as is its nesting and foraging habitat. The large Village One development in Modesto, California has been divided into 35 "Precise Plan Areas". An earlier study had identified, in general terms, possible Swainson's Hawk foraging habitat within this development. Swainson's Hawks forage for food in a prescribed manner. As is typical of a number of other large hawks, they forage during the daylight hours by soaring high above the ground and watching for suitable prey (mostly small mammals such as mice and ground squirrels, but also large insects like grasshoppers). Once prey is spotted the bird dives to the ground to capture it. Thus suitable foraging habitat must be relatively clear of high vegetation or other obstructions, such as fences, for two reasons: to allow the hawk to see the prey; and to allow the hawk to swoop down upon it without striking obstructions. Thus, open fields and low growing croplands are suitable but orchards, vineyards, and tall crops (mature corn) are not. Since the Swainson's Hawk is only present in the Central Valley during Spring and Summer and nesting occurs predominantly from April through July, it is the condition of the fields at that time which is most important.

This study was undertaken to assess the foraging habitat for Swainson's Hawk in Precise Plan Area 13 for Village One in Modesto, California. This area contains approximately 55 acres of land bordered by Roselle Avenue to the West, Millbrook Avenue to the East, Hillglen Avenue (proposed extension) to the North and Kodiak Avenue (proposed extension) to the South.

## QUALIFICATIONS

My Curriculum Vita (resume) is attached. In summary, I have a Ph.D. in Zoology with over 30 years of university teaching experience in ecology and ornithology and appropriate research experience in each including conducting numerous wildlife surveys in Stanislaus County. I am also an ardent bird watcher who has spent many hours observing Swainson's Hawks both in California and throughout its range in the United States.

## FIELD SURVEY

Since all of the land in PPA #13 is visible from the existing roads, access to the property was not necessary, and a single visit was sufficient to assess the potential of its use for foraging by Swainson's Hawk. I conducted this visit on March 24, 2004.

## Swainson's Hawk Foraging Habitat Survey - Village One Precise Plan #13 - page 2

### DESCRIPTION OF THE AREA

As presented above, Roselle Avenue, Millbrook Avenue, Hillgren Avenue and Kodiak Avenue border PPA #13. In addition, Esta Avenue runs through the area from North to South near Millbrook Avenue. Much of the area is already developed, or is currently being developed, as house lots. This includes almost all of the area between Esta Avenue and Millbrook Avenue. Most of the frontage along Roselle Ave. and on the West side of Esta Ave. is developed as house lots. The development along Roselle is particularly deep into the area, extending to the East as far as Kodiak Avenue is currently paved (about half way between Roselle and Esta).

### ASSESSMENT OF THE AREA AS SWAINSON'S HAWK FORAGING HABITAT

Historically, the entire 55 acres of PPA #13 would have been good Swainson's Hawk foraging habitat. However, at the present time, more than half of this area is definitely not foraging habitat for this species. Although some of the developed acreage is in the form of pasture or gardens, the fences present obstacles to Swainson's Hawks foraging and render it unsuitable. The remaining land, between the developed land west of Esta Avenue and the west end of the existing pavement on Kodiak Avenue, is undeveloped pasture and thus it is potentially foraging habitat. However, a number of factors indicate that this land is, at best, very poor foraging habitat and the hawks probably use it minimally.

First, the preferred food of this hawk is small mammals, the predominant species in this area being the California ground squirrel. If this species is present in this area it is in very low numbers. I did not observe any ground squirrels or burrows on the property during my visit.

Second, since this land is surrounded by housing developments with a lot of automobile traffic on the roads, people walking through the area, and pets, particularly dogs being present, the hawks are likely to be disturbed while foraging and feeding which would drastically reduce the foraging efficiency for the species. Such reductions in foraging efficiency have been shown to result in nest failure or nest abandonment by the parents.

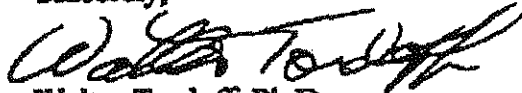
Finally, the close proximity to many humans and their activities presents the possibility of inadvertent poisoning of the hawks if people are intentionally or even unintentionally introducing toxic substances into the food chain. Poisons put out for rats, mice, and squirrels have been shown to be ingested by raptors causing illness, sterility, and/or death (this was one of the major causes of the decline in California condors in the 1980's). Substances such as antifreeze, while not intended to kill, may also be lethal to the hawks if ingested.

**Swainson's Hawk Foraging Habitat Survey – Village One Precise Plan #13 - page 3**

**CONCLUSIONS**

Although some of the land in Precise Plan Area #13 is technically foraging habitat for the Swainson's Hawk, a number of factors render it of minimal value to the species and I strongly doubt that it is used by that species. The loss of this habitat will have no significant impact for the Swainson's Hawk and no mitigation should be required.

Sincerely,



Walter Tordoff, Ph.D.  
Professor Emeritus of Biology

Curriculum Vitae attached

## **CURRICULUM VITAE**

**WALTER TORDOFF III**  
Professor Emeritus of Biology  
Department of Biological Sciences  
California State University, Stanislaus

### **Address**

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(209) 667-3480 or 667-3476  
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### **Professional Expertise**

Ecology, Ornithology, Herpetology, Vertebrate Ecology, Population Biology,  
Evolution, Genetics.

### **Academic Degrees**

**Ph.D.** - Colorado State University, Fort Collins. 1971. Major: Zoology. Area of specialization: Vertebrate Ecology. Dissertation: Environmental factors affecting gene frequencies in montane populations of the chorus frog, *Pseudacris triseriata*.

**M.S.** - Colorado State University, Fort Collins. 1967. Major: Zoology. Area of specialization: Vertebrate Population Genetics. Thesis: Microgeographic variation in gene frequencies in the chorus frog.

**B.A.** - University of Massachusetts, Amherst. 1965. Major: Zoology

### **Professional Experience**

Professor Emeritus of Biology, Department of Biological Sciences, California State University, Stanislaus, 2001 to present.

Professor of Biology, Department of Biological Sciences, California State University, Stanislaus, 1981-2001. Department Chairman 1981-1990.

## Tordoff - Curriculum Vita -Page 2

Associate Professor of Biology, Department of Biological Sciences, California State College, Stanislaus, 1975-1981.

Assistant Professor of Biology, Department of Biological Sciences, California State College, Stanislaus, 1970-1975.

**Papers Presented or Published**

1971. Tordoff, W. III, and David Pettus. Amphibians and Reptiles of North-central Colorado. Chapter 7 In: C.L. Mahoney (ed.). Manual for Natural Resource Ecology. College of Forestry and Natural Resources. Colorado State University, Fort Collins.
1976. Tordoff, W. III, D. Pettus, and T.C. Matthews. Microgeographic variation in gene frequencies in *Pseudacris triseriata* (Amphibia, Anura, Hylidae). *Journal of Herpetology* 10:35-40.
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1980. Tordoff, W. III. Selective predation of gray jays, *Perisoreus canadensis*, upon boreal chorus frogs, *Pseudacris triseriata*. *Evolution* 34:1004-1008.
1981. Tordoff, W. III. Population and habitat surveys of the limestone salamander in Mariposa County. Presented at the annual meeting of the Western Section of the Wildlife Society, San Luis Obispo, CA.
- 1987a. Tordoff, W. III. Population biology of the limestone salamander, *Hydromantes brunus* (Caudata, Plethodontidae). Presented at "Endangered and Sensitive Species of the San Joaquin Valley, California" conference, Dec. CSU, Bakersfield.
- 1987b. Tordoff, W. III. Habitat requirements of the limestone salamander, *Hydromantes brunus* (Caudata, Plethodontidae). Presented at "Endangered and Sensitive Species of the San Joaquin Valley, California" conference, Dec. CSU, Bakersfield.
1990. Tordoff, W. III., D. Germano, and D.F. Williams. The status of the blunt-nosed leopard lizard on the Elkhorn Plain Ecological Reserve. Presented at Southern California Academy of Sciences annual meeting, CSU, Dominguez Hills.
1994. Germano, D.G., D.F. Williams, and W. Tordoff, III. Effect of drought on blunt-nosed leopard lizards (*Gambelia sila*). *Northwestern Naturalist*, 75:11-19.

## Tordoff - Curriculum Vita -Page 3

**Papers Presented or Published (continued)**

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**Wildlife Surveys Completed**

1981. Tordoff, W. III. Population and habitat survey of the limestone salamander in Mariposa County. Prepared for the Bureau of Land Management, Folsom, CA Office.
- 1986a. Williams, D. F., and W. Tordoff III. Martin Ranch endangered wildlife survey. Calif. Dept. Parks and Recreation, Sacramento. 22pp.
- 1986b. Williams, D.F., and W. Tordoff III. Kettleman Hills wildlife survey. California Dept. General Services, FP6-3100.23, 14 pp.
1987. Tordoff, W. III, and D.F. Williams. San Joaquin Valley conveyance project presurvey wildlife assessment. J.M. Montgomery consulting engineers, Inc. Walnut Creek, California, 25 pp.
1988. Williams, D.F., and W. Tordoff III. Operations and maintenance schedule: Elkhorn Plain Ecological Reserve, San Luis Obispo County, California. California Dept. Fish and Game, Nongame Heritage Program, Sacramento, Final Report, 71pp.
1988. Williams, D.F., W. Tordoff III, and J.H. Harris. San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) study - 1988. California Dept. Fish and Game, Wildlife Management Division., Endangered Species Wildlife Program, Contract Final Report, 62 pp.
1989. Williams, D.F., D. Germano, and W. Tordoff III. Effects of livestock grazing on an endangered community dominated by giant kangaroo rats (*Dipodomys ingens*). Pp 1-32 In: Endangered Species Study - 1989 (D.F. Williams *et. al.* ). California Dept. Fish and Game., Sacramento, FG-8391, 83 pp.
1990. Williams, D.F., D.G. Germano, and W. Tordoff, III. Endangered species study - 1990: Effect of livestock grazing on an endangered species community dominated by giant kangaroo rats (*Dipodomys ingens*). California Dept. Fish and Game., Sacramento.
- 1998a. Tordoff, W., Wildlife survey for proposed Connor Estates peninsula. Mid-Valley Engineering.

## Tordoff - Curriculum Vita -Page 4

**Wildlife Surveys Completed (continued)**

- 1998b. Tordoff, W., Wildlife Survey - A.P.N. 75-11-24. Hayes Development, Inc.
- 1998c. Tordoff, W., Wildlife Survey - A.P.N. 75-11-27. Groen/Winters Group.
- 1998d. Tordoff, W. Wildlife Survey - Crossroads Community Development - South of Morrill Rd., A.P.N. 75-13-07 and 75-13-08. Groen/Winters Group.
1999. Tordoff, W. Wildlife Survey - Crossroads Community Development - South of Morrill Rd., A.P.N. 75-13-01, 75-13-02, and 75-13-03. Robert Braden Consulting.
- 2001a. Tordoff, W. Wildlife Survey - A.P.N. 75-13-04, A.P.N. 75-13-16, A.P.N. 75-13-17, & A.P.N. 75-14-02 East of Oakdale Rd. Mid-valley Engineering.
- 2001b. Tordoff, W. Wildlife Survey - A.P.N. 75-13-15 & A.P.N. 75-14-22 along Roselle Rd. Bright Development.
- 2001c. Tordoff, W. Wildlife Survey - A.P.N. 75-14-21, Glow Rd., Bennett Development, Inc.
- 2001d. Tordoff, W. Wildlife Survey - A.P.N. 75-14-10, A.P.N. 75-14-14, & A.P.N. 75-14-15, along Glow Rd., Mid-Valley Engineering.
2002. Tordoff, W. City of Riverbank, California. Jacob Myers Trail Project - Biological Assessment and Habitat Restoration Component. Planning Partners, Elk Grove, CA.
- 2002b. Tordoff, W. Preconstruction Burrowing Owl Survey - A.P.N's 75-13-04, 75-13-15, 75-13-16, 75-13-17, 75-14-02, 75-14-10, 75-14-14, 75-14-15, 75-14,21, &75-14-22. Mid-Valley Engineering.
- 2002c. Tordoff, W. Biological Assessment - Riverbank Wastewater Plant Percolation Pond Expansion Project APN 2470250-20 (San Joaquin County) and Reinforcement of North Dike of Existing Plant Project A.P.N's 240-250-04 & 247-260-02. Planning Partners, Elk Grove, CA.
- 2003a. Tordoff, W. Biological Assessment - Charles Street Improvements - CML-5411(004). City of Hughson, California.
- 2003b. Tordoff, W. Wetlands Delineation Study - APN 75-14-04. Browman Development Company, Inc., Oakland, CA.

**Tordoff - Curriculum Vita -Page 5**

**Wildlife Surveys Completed (continued)**

- 2003c. Tordoff, W. Wetlands/Wildlife Survey - Hughes' Riverbank Annexation. Benchmark Engineering, Oakdale, CA
- 2003d. Tordoff, W. Vernal Pool Survey - Galas Property. Russell A. Newman, P.L.C., Modesto, CA
- 2003e. Tordoff, W. Swainson's Hawk Foraging Habitat Survey - Village One, Precise Plan Areas 2, 15, 16, 17. Associated Engineering Group, Inc., Modesto, CA
- 2004a. Tordoff, W. Supplemental Wetlands/Wildlife Survey - Hughes/Hayes Riverbank Annexation. Benchmark Engineering, Inc., Oakdale, CA

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-282**

**A RESOLUTION DENYING THE APPEAL OF NIKKI CROWL TO A  
PLANNING COMMISSION DECISION APPROVING THE FINAL  
DEVELOPMENT PLAN FOR SHADOW CREEK APARTMENTS, PROPERTY  
LOCATED NEAR THE NORTHEAST CORNER OF ROSELLE AND FLOYD  
AVENUES (AMERICAN PROPERTY DEVELOPMENT)**

WHEREAS, the City Council adopted the Village One Specific Plan, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, on October 16, 1990, and

WHEREAS, in accordance with the Village One Specific Plan, on July 10, 2001, by Ordinance No. 3229 C.S., the City Council adopted a Precise Plan for Area No. 20(NE), which designated 14 acres at the northeast corner of Floyd and Roselle Avenues for multi-family residential development, and

WHEREAS, an application for a Final Development Plan for a 232-unit apartment complex within Precise Plan Area No. 20(NE), near the northeast corner of Floyd and Roselle Avenues, was filed by American Property Development on December 19, 2003 in accordance with Chapter IV-C(1) of the Village One Specific Plan, and

WHEREAS, a public hearing was held by the Planning Commission on March 29, 2004, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering testimony from staff, the applicants, and neighbors, the Commission continued the hearing item to April 19, 2004, and directed the applicants to work with neighborhood residents and staff to resolve compatibility issues related to privacy concerns, and

WHEREAS, the continued public hearing was held by the Planning Commission on April 19, 2004, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, Planning Commission Resolution No. 2004-21, approved the Final Development Plan for a 232-unit multi-family apartment complex located near the northeast corner of Floyd and Roselle Avenues, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the Office of the City Clerk by Nikki Crowl on April 28, 2004, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on May 25, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council of the City of Modesto found and determined that the appeal of Nikki Crowl to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the following reasons:

1. The proposed Final Development Plan for a 232-unit multi-family apartment complex located near the intersection of Floyd and Roselle Avenues meets all requirements of the City of Modesto Municipal Code and Village One Specific Plan.

2. Due to specifics of the project design, such as eight-foot masonry walls and screen landscaping, no neighborhood compatibility issues should be created by the proposed project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Nikki Crowl to the decision of the Planning Commission approving a Final Development Plan for a 232-unit multi-family apartment complex located near the northeast corner of Floyd and Roselle Avenues is denied and the decision of the Planning Commission is hereby affirmed for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

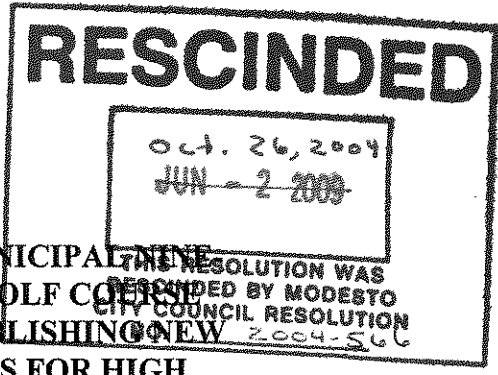
AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-283**

**A RESOLUTION ESTABLISHING NEW RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, ESTABLISHING NEW RATES FOR ANNUAL PASSES, ESTABLISHING NEW RATES FOR HIGH SCHOOL ROUNDS AND TOURNAMENT PLAY, DEDICATING \$1.00 PER 18-HOLE ROUND AT THE END OF EACH FISCAL YEAR TO THE GOLF FUND RESERVE FOR CAPITAL IMPROVEMENTS, INTRODUCING A 6-HOLE RATE AT MUNICIPAL NINE-HOLE GOLF COURSE, AND RESCINDING RESOLUTION NO 2003-329.**

WHEREAS, on June 24, 2003, the City Council adopted Resolution No. 2003-329 which increased green fees at Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Golf Course, and

WHEREAS, Resolution No. 2003-329 also established new rates for annual passes, high school rounds and tournament play, and

WHEREAS, City staff is recommending a green fee rate increase at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course, an increase in the price of annual passes, an increase in the price of high school rounds at City courses, and an increase in the tournament fee schedule, and

WHEREAS, City staff is recommending that a Golf Fund Reserve be established for future capital improvements, and this reserve be funded at the end of each fiscal year based on \$1.00 per round played that fiscal year, and

WHEREAS, City staff is recommending the introduction of a 6-hole rate at Municipal Nine-Hole Golf Course, and

WHEREAS, the Golf Courses Committee met on April 21, 2004, and supported rate increases at the City's Municipal Golf Courses if the \$1.00/r18-hole round was

RECEIVED

reserved for capital improvements and supported the introduction of a 6-hole rate at Municipal Nine-Hole Golf Course, and

WHEREAS, the Safety and Communities Committee met on May 3, 2004, and supported increases in green fees and annual passes at all City Municipal courses, supported the dedication of \$1.00 per 18-hole round for capital improvements and supported introduction of a 6-hole rate at Municipal Nine-Hole Golf Course, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated May 5, 2004, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on May 25, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended golf fees, and

WHEREAS, the Council of the City of Modesto finds that new fees for play need to be established at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves dedicating \$1.00 per round at the end of each fiscal year to the Golf Fund Reserve for capital improvements to be used for capital improvements to the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course.

BE IT FURTHER RESOLVED by the City Council as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on **Exhibit "A"** attached hereto and incorporated herein by reference.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on **Exhibit "B"** attached hereto and incorporated herein by reference.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of \$5.00 per round shall be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess

and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are eighteen (18) years of age and younger or sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Junior/Disabled discount.

Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu-Play Cards. Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Parks, Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal

Nine-Hole Golf Courses. Rates for play are \$6.00 weekdays and \$7.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round at half price. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto and incorporated herein by reference.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday

shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after July 1, 2004.

SECTION 10. REPEALS. Resolution No. 2003-329 is hereby rescinded effective June 30, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO GOLF COURSES  
GREEN FEE SCHEDULE  
EFFECTIVE JULY 1, 2004

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 14.50
Weekdays, 9-holes (senior/junior/disabled)	\$ 12.50
Weekdays, 18-holes	\$ 20.50
Weekdays, 18-holes (senior/junior/disabled)	\$ 17.00
Weekdays, 18-holes (juniors, after noon)	\$ 13.00
Weekdays Mid-day, 18-holes	\$ 16.50
Weekdays Super-Twilight, 18-holes	\$ 10.50
Weekdays afternoon League Play	\$ 15.00
Weekends/Holidays, 9-holes	\$ 16.50
Weekends/Holidays, 18-holes	\$ 26.50
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 15.50
Weekends/Holidays Mid-day, 18-holes	\$ 19.50
Weekends/Holidays Super-Twilight, 18-holes	\$ 13.50
6-play Valu-Play booklet	\$ 105.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 90.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 16.00
Weekdays, 9-holes (senior/junior/disabled)	\$ 13.50
Weekdays, 18-holes	\$ 22.50
Weekdays, 18-holes (senior/junior/disabled)	\$ 18.50
Weekdays, 18-holes (juniors, after noon)	\$ 14.00
Weekdays Mid-day, 18-holes	\$ 17.50
Weekdays Super-Twilight, 18-holes	\$ 11.50
Weekdays afternoon League Play	\$ 16.00
Weekends/Holidays, 9-holes	\$ 18.50
Weekends/Holidays, 18-holes	\$ 29.50
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 17.50
Weekends/Holidays Mid-day, 18-holes	\$ 21.50
Weekends/Holidays Super-Twilight, 18-holes	\$ 15.50
6-play Valu-Play booklet	\$ 105.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 90.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	\$ 13.00
Weekdays, 9-holes (senior/junior/disabled)	\$ 11.00
Weekdays, 9-holes (juniors, after noon)	\$ 8.50
Weekdays Mid-day, 9-holes	\$ 11.00
Weekdays Super-Twilight, 9-holes	\$ 9.00
Weekdays afternoon League Play	\$ 10.00
Weekends/Holidays, 9-holes	\$ 15.00
Weekends/Holidays, 9-holes (juniors, after noon)	\$ 9.50
Weekends/Holidays Mid-day, 9-holes	\$ 12.00
Weekends/Holidays Super-Twilight, 9-holes	\$ 10.00
6-play Valu-Play booklet	\$ 52.50
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 45.00
Weekdays, 9-holes, Family Tees	\$6.00
Weekends, 9-holes, Family Tees	\$7.00
Weekdays, 6-holes	\$6.00
Weekends, 6-holes	\$7.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership	\$150.00
*Annual Club Membership, Every Day	\$980.00
*Annual Club Membership, Every Day, Jr./Sr.	\$860.00
*Annual Club Membership, Every Day, Family	\$1,460.00
*Annual Club Membership, Every Day, Family, Jr./Sr.	\$1,280.00
*Annual Club Membership, Week Day	\$800.00
*Annual Club Membership, Week Day, Jr./Sr.	\$670.00
*Annual Club Membership, Week Day, Family	\$1,190.00
*Annual Club Membership, Week Day, Family, Jr./Sr.	\$1,010.00

\*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.

TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE JULY 1, 2004

	FEE PER PLAYER		
	<u>Regular Tee Time Style</u>	<u>Full Shotgun Tee Time Style Excluding cart</u>	<u>Modified Shotgun Tee Time Style Excluding cart</u>
<u>CREEKSIDE</u>			
Weekday	\$32.50	\$40.50	\$40.50
Weekends	\$39.50	\$48.50	N/A
<u>DRYDEN</u>			
Weekday	\$30.50	\$38.50	\$38.50
Weekends	\$36.50	\$45.50	N/A
<u>MUNI</u>			
Weekday	\$23.00	\$25.00	N/A
Weekend	\$25.00	\$27.00	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$22.50 weekdays/\$29.50 weekends at Creekside, \$20.50 weekdays/\$26.50 weekends at Dryden and \$13.00 weekdays/\$15.00 weekends at Muni); and Pro Shop merchandise credit (\$5.00 at Creekside/Dryden/Muni); and golf course restaurant credit (\$5.00 at Creekside/Dryden/Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$26.50 weekdays/\$34.50 weekends at Creekside, \$24.50 weekdays/\$31.50 weekends at Dryden and \$15.00 weekdays/\$17.00 weekends at Muni); Pro Shop merchandise credit (\$7.00 at Creekside/Dryden and \$5.00 at Muni); and golf course restaurant credit (\$7.00 at Creekside/Dryden and \$5.00 at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees (\$26.50 weekdays at Creekside; \$24.50 weekdays at Dryden); Pro Shop merchandise credit (\$7.00 at Creekside/Dryden); and golf course restaurant credit (\$7.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.

PLAY DAY POLICY  
FOR PLAY AT THE CITY'S  
MUNICIPAL GOLF COURSES  
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

**RESCINDED**

JUL 26 2007

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-284**

**A RESOLUTION REVISING TIPPING FEES AT THE STANISLAUS RESOURCE RECOVERY (WASTE-TO-ENERGY) FACILITY AND RESCINDING RESOLUTION NO. 2003-364**

RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 2007-382

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Covanta Stanislaus, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, which are the City of Modesto and Stanislaus County, and

WHEREAS, the Contracting Communities approved a \$28.00 per ton tipping fee at the Waste-to-Energy Facility which became effective August 1, 2003, and

WHEREAS, the Council of the City of Modesto must concur with any proposed reduction in the tipping fees at the Waste-to-Energy Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee, at its April 29, 2004, meeting discussed a \$3.00 per ton reduction in the tipping fees at the Waste-to-Energy Facility and recommends approval of said decrease in the tipping fee and City staff recommends, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be decreased from the present \$28.00 per ton to \$25.00 per ton, effective August 1, 2004, and

WHEREAS, the 25<sup>th</sup> day of May, 2004, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, was set as the time and place for consideration of a decrease in tipping fees at the Waste-to-Energy Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a decrease in the tipping fee at the Waste-to-Energy Facility from the present \$28.00 per ton to \$25.00 per ton, effective August 1, 2004.

BE IT FURTHER RESOLVED that Resolution No. 2003-364 is hereby rescinded effective July 31, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-285**

**A RESOLUTION APPROVING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FUND DEVELOPMENT PROGRAM REPORT AND: AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH THE STANISLAUS COMMUNITY FOUNDATION; DIRECTING STAFF TO DEVELOP A POLICY AND MARKETING PLAN FOR CORPORATE NAMING RIGHTS AND TO IDENTIFY PROPERTIES TO INCLUDE IN THE NAMING RIGHTS INVENTORY; DIRECTING STAFF TO DEVELOP A POLICY AND MARKETING PLAN FOR CORPORATE PROGRAM SPONSORSHIPS; DIRECTING STAFF TO DEVELOP A PLAN TO SELL OR LEASE REMNANT PARCELS OF CITY-OWNED OPEN SPACE; DIRECTING STAFF TO PURSUE EXCLUSIVE VENDOR/OFFICIAL SPONSOR CONTRACTS; DIRECTING STAFF TO DEVELOP A POLICY AND MARKETING PLAN FOR PRESENTATION SPONSORS; AND, DIRECTING STAFF TO DEVELOP A METHODOLOGY TO CREATE PRIVATE-PUBLIC PARTNERSHIPS TO SECURE NEIGHBORHOOD IMPROVEMENT SPONSORS.**

WHEREAS, for many years, the Parks, Recreation and Neighborhoods Department has been successful in its fundraising efforts, and

WHEREAS, this effort notwithstanding, in recent years, the Parks, Recreation and Neighborhoods Department has faced an increase in the demand for services and the prospect of dwindling funding, and

WHEREAS, on February 25, 2003, the City Council by Resolution No. 2003-95 accepted the Parks, Recreation and Neighborhoods Department's first Fund Development Report, and

WHEREAS, on September 9, 2003, by Resolution No. 2003-485, the Council approved an agreement with Koegler Consulting Group to conduct an asset inventory and valuation assessment of parks, trails, recreation facilities and recreation programs, and to offer recommendations to lead us into a successful fund development program, ("Report") and

WHEREAS, this Report addresses short-term fund-raising for on-going operations and programs and provides a long-term strategy for replacing infrastructure in our parks and along our trails, and

WHEREAS, this Report was presented to the Safety and Communities Committee at its April 5, 2004, meeting and the Committee supported the recommendations presented in the Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Fund Development Program Report, a copy of which is on file in the City Clerk's Office.

BE IT FURTHER RESOLVED that the Council hereby authorizes staff to negotiate an agreement with the Stanislaus Community Foundation.

BE IT FURTHER RESOLVED that the Council hereby directs staff to develop a policy and marketing plan for Corporate Naming Rights and to identify properties to include in the naming rights inventory.

BE IT FURTHER RESOLVED that the Council hereby directs staff to develop a policy and marketing plan for Corporate Program Sponsorships.

BE IT FURTHER RESOLVED that the Council hereby directs staff to develop a plan to sell or lease remnant parcels of City-owned open space.

BE IT FURTHER RESOLVED that the Council hereby directs staff to pursue Exclusive Vendor/Official Sponsor Contracts.

BE IT FURTHER RESOLVED that the Council hereby directs staff to develop a policy and marketing plan for Presentation Sponsors.

BE IT FURTHER RESOLVED that the Council hereby directs staff to develop a methodology to create private-public partnerships to secure Neighborhood Improvement Sponsors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-286**

**A RESOLUTION APPROVING CHANGES TO THE EMERGENCY HOME REPAIR PROGRAM (EHRP)/DISABLED ACCESS ASSISTANCE PROGRAM (DAAP) AND APPROVING THE REVISION OF CHAPTER 12 OF THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, RECREATION AND NEIGHBORHOOD SERVICES DIVISION MANUAL.**

WHEREAS, on December 2, 2003, by Resolution No. 2003-631, the City Council approved the current EHRP/DAAP policy and loan limits of \$15,000 for EHRP and \$10,000 for DAAP, and

WHEREAS, as construction costs rise, EHRP projects are topping the \$15,000 limit if additional items, along with roof replacement, are needed, and the current loan limit is not sufficient to cover the needed repairs that are critical to the well being of the applicants, and

WHEREAS, a DAAP for a bathroom renovation, changing doorways, and adding a wheelchair ramp could easily exceed the \$10,000 limit, and

WHEREAS, staff recommends raising the loan limit for EHRP to \$20,000, DAAP to \$20,000, for a combined loan limit of \$40,000 if both programs are necessary, and

WHEREAS, homes built prior to 1978, where paint may be “disturbed”, must be tested for the presence of lead based paint, and if lead based paint is present, the cost of testing, assessment, clearance, and possible stabilization could add up to \$5,000, and

WHEREAS, staff recommends an additional \$5,000 be included in the loan limit for these items; any type of environmental hazards work would qualify in this category, such as mold, air quality issues, or asbestos, and

WHEREAS, if a combined EHRP/DAAP required necessary environmental hazards work in the amount of \$5,000, the maximum loan amount would be \$45,000, but only if that amount was needed to cover critical needs, and

WHEREAS, the environmental hazards work would be limited to testing, risk assessment, clearance, and stabilization; any amount exceeding the \$5,000 limit would have to come from the EHRP or DAAP loan limit, as applicable, and

WHEREAS, with the increased limits for EHRP/DAAP, it becomes necessary to determine a maximum allowable loan-to-value ratio (LTV); this is the percentage of indebtedness against the property compared to the after rehabilitation value of the home, and

WHEREAS, staff recommends a maximum LTV of 90%, and

WHEREAS, all the above changes will be reflected in the revisions to Chapter 12 of the Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood Services Division Manual, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) recommended approval of this item at its April 22, 2004, meeting, and the Citizens Housing and Community Development Committee (CH&CDC) also recommended approval of this item at its April 23, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the changes to the EHRP/DAAP to include: increasing the Emergency Home Repair Program (EHRP) loan limit to \$20,000; increasing the Disabled Access Assistance Program (DAAP) loan limit to \$20,000; allowing an additional \$5,000 loan limit for Environmental Hazards on EHRP/DAAP; establishing a Loan-To-Value (LTV) ratio for EHRP and DAAP, not to exceed 90% of the property value after rehabilitation.

BE IT FURTHER RESOLVED that the revisions to Chapter 12 of the Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood Services

Division Manual are hereby approved, a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-287**

**A RESOLUTION APPROVING CHANGES TO THE LEAD BASED PAINT  
HAZARDS PROGRAM AND APPROVING THE REVISION OF CHAPTER 11  
OF THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT,  
RECREATION AND NEIGHBORHOOD SERVICES DIVISION MANUAL.**

WHEREAS, on April 13, 1999, by Resolution No. 1999-148, the City Council approved the policy for the target areas and the Housing Maintenance Program, and

WHEREAS, the Housing Maintenance Program available to the City's Mandatory Target Areas was established to save existing housing stock in those areas by upgrading the area as a whole community, and

WHEREAS, in 2000, the Department of Housing & Urban Development (HUD) enacted lead based paint regulations, stating that if these property owners wish to use the City's financial assistance, either in the form of a loan or a paint rebate, they are subject to the lead based paint regulations, and

WHEREAS, since rehabilitation work in the mandatory areas is a requirement for many homeowners, and the City seeks to improve the appearance of the homes, staff recommends that lead based paint costs for testing, assessment, clearance, and stabilization, up to \$5,000, be covered by HUD funds, and

WHEREAS, if the property owner requests a housing maintenance program loan, and if lead based paint work is necessary, a grant will be provided for the lead based paint costs, up to \$5,000, and if the property owner requests a paint rebate, the total costs for testing, assessment, clearance, and stabilization of the affected areas will be rebated to the owner, up to \$5,000, and

WHEREAS, all the above changes will be reflected in the revisions to Chapter 11 of the Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood

Services Division Manual, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) recommended approval of this item at its April 22, 2004, meeting, and the Citizens Housing and Community Development Committee (CH&CDC) also recommended approval of this item at its April 23, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the changes to the EHRP/DAAP to provide grants of a maximum of \$5,000 per property for Lead Based Paint Hazards in the Mandatory Target Areas.

BE IT FURTHER RESOLVED that the Council hereby approves revisions to Chapter 11 of the Parks, Recreation and Neighborhoods Department, Recreation and Neighborhood Services Division Manual, a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of May, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-288**

**A RESOLUTION APPOINTING TAMMY MAISETTI TO THE DOWNTOWN  
IMPROVEMENT DISTRICT ADVISORY BOARD**

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

WHEREAS, the Economic Development Committee met on May 10, 2004, and recommended appointment of TAMMY MAISETTI to the Downtown Improvement District Advisory Board.

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

SECTION 1. TAMMY MAISETTI is hereby appointed to the Downtown Improvement District Advisory Board, with a term expiration of January 1, 2008.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-289**

**A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE  
FISCAL YEAR 2004-2005 ANNUAL TRANSPORTATION CLAIM FOR  
\$4,857,817, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS  
COUNCIL OF GOVERNMENTS**

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

WHEREAS, on February 11, 2004, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California Public Utility Code (PUC) has determined that there are no unmet transit needs and no unmet transit needs that are reasonable to meet, and

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

WHEREAS, the City has developed an application for Fiscal Year 2005 LTF reimbursement pursuant to Section 99233.3 of the California PUC, and

WHEREAS, the City's transit LTF Claim for Fiscal Year 2004 is \$4,857,817, and

WHEREAS, the total transit operating budget is \$10,478,927, and

WHEREAS, the added transit capital budget is \$1,628,987 and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the annual LTF transit claim in the amount of \$4,857,817.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute and submit the Transit Claim for apportionment of LTF to StanCOG for Fiscal Year 2004.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to modify the FY2004-2005 Operating and Capital Budgets of the Bus Fund to assure consistency between the LTF Claim and these budgets, as necessary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

Attest: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:  
By Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 290**

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant


ATTEST:

  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By:

  
MIKE MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Judith Ray  
 Telephone No.: \_\_\_\_\_  
 Department: O&M

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: gas tax fund

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
0700-480-4612-0360	4612C	\$1,091,000	(\$39,000)	\$1,052,000	Completed as Appropriation Transfer
<u>TO</u>					
0700-480-4613-6041	4613		\$39,000	\$39,000	Completed as Appropriation Transfer

**TRANSFERS**

0700-700-4613-9010			\$60,000	\$60,000	Revenue
0100-700-1802-7010			\$60,000	\$60,000	Expense

**COMMENTS/JUSTIFICATION**

This adjustment Transfer sets up the multi-year organization 0700-480-4613 Bluegum Road Improvements  
 The \$39k was set up as an appropriation transfer which does not require Council Action.  
 Additional funding of \$60k is expected from the Fire Fund  
 The Fire Fund Transfer to this organization will be considered by council on May 25th.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance *GM*  
 Fund Title: Wastewater

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

**May Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b> 04-6210-800-8000-8003	6210R		(\$21,205)	(\$21,205)	Wastewater Contingency
<b>TO</b> MY-6210-480-L084-6070	L084	\$250,000	\$21,205	\$271,205	Equipment

**COMMENTS/JUSTIFICATION**

In order to eliminate redundant projects within the utility funds, E&T, O&M and Finance are in the process of reviewing and reprioritizing Wastewater Capital Improvement Projects. This project L084 Annual Renewal and Replacement - Secondary has been identified as complete needing closure. This adjustment will allow the budget to be adjusted to reflect the final cost of the project and close the project completely.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance *DM*  
 Fund Title: \_\_\_\_\_

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

**May Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
My-6100-480-Q212-6010	Q212	\$105,000	(\$105,000)		Design
04-6100-800-8000-8003	6100R	\$105,000	(\$105,000)		Water Contingency
<b>TO</b>					
04-6100-800-8000-8003	6100R		\$105,000	\$105,000	Water Contingency
MY-6100-430-A202-6010	A202	\$3,593,997	\$105,000	\$3,698,997	Design

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as either redundant or in need of reprioritizing in order budget for predesign work needed for MID Phase II. Project Q212 Ground Water Mgmt will have its budget reduced and the project will be closed. All funds will be returned to Water fund Reserves then be reallocated based on the priority of the Phase II expansion to A202

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

### REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance *OM*  
 Fund Title: \_\_\_\_\_

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. BT

**May Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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***DEPARTMENTAL REVENUES***

<b>FROM</b>					
<b>TO</b>					

***APPROPRIATIONS***

<b>FROM</b>					
MY-6150-430-A033-6010	A033	\$25,000	(\$25,000)		Design
04-6150-800-8000-8003	6100R		(\$25,000)		Water Contingency
<b>TO</b>					
04-6150-800-8000-8003	6100R		\$25,000	\$25,000	Water Contingency
MY-6150-430-M231-6010	M231	\$75,381	\$25,000	\$100,381	Design

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as either redundant or in need of reprioritizing in order budget for predesign work needed for MID Phase II. Project A033 Install New Wells Zone2 will have its budget reduced and the project will be closed. All funds will be returned to Water fund Reserves then be reallocated to another project with the same purpose M231 Install New Wells

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: \_\_\_\_\_

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. BT

**May Monthly Adj**

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
MY-6160-430-A039-6010	A039	\$25,000	(\$25,000)		Design
MY-6160-430-N644-6070	N644	\$150,000	(\$140,000)	\$10,000	Equipment
04-6150-800-8000-8003	6100R		(\$165,000)		Water Contingency
<b>TO</b>					
04-6150-800-8000-8003	6100R		\$165,000	\$165,000	Water Contingency
MY-6150-480-N650-6010	N650	\$36,000	\$25,000	\$61,000	Design
MY-6150-480-Q224-6070	Q224		\$140,000	\$140,000	Equipment

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as either redundant or in need of reprioritizing in order budget for predesign work needed for MID Phase II. Projects A039 Install New Wells Zone3 and N644 Retro Meters will have their budgets reduced and the projects will be closed. All funds will be returned to Water fund Reserves then be reallocated to projects with the same purpose

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

**CONVERSION OF OPERATING CIP TO MULTI-YEAR OPERATING ORGANIZATIONS**

FY	FD	AG	ORG	ORG NAME	OBJ	BUDGET	EXPENSE	AVAILABLE
FROM								
2004	0700	410	4120	PAVEMENT MAINTENANCE	5900	\$ 360,151.00	\$ (329,134)	\$ 31,017
M	Y	0700	430	L036 PAVEMENT MAINTENANCE	6040	\$ 296,760.00	\$ (27,782)	\$ 268,978
M	Y	0700	430	Q001 Pavement Maintenance	6010	\$ 76,330.00	\$ (36,935)	\$ 39,395
M	Y	0700	430	Q001 Pavement Maintenance	6040	\$ 510,466.00	\$ (510,000)	\$ 466
MYMY	0700	430	Q001	Pavement Maintenance	6050	\$ 30,000.00	\$ (30,000)	\$ -
MYMY	0700	430	Q001	Pavement Maintenance	6060	\$ 40,134.00	\$ (36,996)	\$ 3,138
TO								
MYMY	0700	410	4120	PAVEMENT MAINTENANCE	6040	\$ -	\$ 970,846	\$ 970,846
TOTAL						\$ 1,313,841.00	\$ -	\$ 1,313,841.00

FROM								
MYMY	0700	430	K265	9TH ST-RAILROAD RELOCATN-PH 2	6040	\$ 1,322,484.00	\$ (1,328,100.55)	\$ (5,616.55)
MYMY	0700	430	K265	9TH ST-RAILROAD RELOCATN-PH 2	6060	\$ 500,000.00	\$ (489,041.00)	\$ 10,959.00
TO								
MYMY	2300	160	A265	LOWER UPRR CROSSINGS	6010	\$ 25,000.00		\$ 25,000.00
MYMY	2300	160	A265	LOWER UPRR CROSSINGS	6040	\$ 200,000.00	\$ 1,328,100.55	\$ 1,528,100.55
MYMY	2300	160	A265	LOWER UPRR CROSSINGS	6050	\$ 10,000.00		\$ 10,000.00
MYMY	2300	160	A265	LOWER UPRR CROSSINGS	6060	\$ 20,000.00	\$ 489,041.00	\$ 509,041.00
TOTAL						\$ 2,077,484.00	\$ -	\$ 2,077,484.00

FROM								
MYMY	1410	160	K382	INTERSECTION UPGRADES VARIOUS	6040	\$ 21,097.00	\$ (7,158.00)	\$ 13,939.00
MYMY	1410	160	L001	INTERSECTN UPGRADES VARIOUS II	6040	\$ 40,912.00	\$ (38,131.25)	\$ 2,780.75
MYMY	1410	160	L001	INTERSECTN UPGRADES VARIOUS II	6010	\$ 7,000.00	\$ (7,000.00)	\$ -
MYMY	1410	160	L001	INTERSECTN UPGRADES VARIOUS II	6050	\$ 5,000.00	\$ (5,000.00)	\$ -
MYMY	1410	160	L001	INTERSECTN UPGRADES VARIOUS II	6060	\$ 6,000.00	\$ (6,000.00)	\$ -
TO								
MY	1410	160	1632	K382-INTERSECTION UPGRADES VARIOUS		\$ -	\$ 63,289.25	\$ 63,289.25
TOTAL						\$ 80,009.00	\$ -	\$ 80,009.00

FROM								
MYMY	1410	160	K385	LOW COST TRAFFIC IMPROVEMENTS	6040	\$ 53,203.00	\$ (1,058.08)	\$ 52,144.92
TO								
MYMY	1410	160	1633	K385-LOW COST TRAFFIC IMPROVEMENTS		\$ -	\$ 1,058.08	\$ 1,058.08
TOTAL						\$ 53,203.00	\$ -	\$ 53,203.00

FROM								
MYMY	1410	160	L021	TRAFFIC SIGNAL DSGN/CNSTN-NEW	6040	\$ 47,000.00	\$ (22,890.44)	\$ 22,890.44
MYMY	1410	160	L021	TRAFFIC SIGNAL DSGN/CNSTN-NEW	6050	\$ 5,000.00	\$ (1,280.40)	\$ 5,000.00
TO								
MYMY	1410	160	1634	L021-TRAFFIC SIGNAL DSGN/CNSTN-NEW		\$ -	\$ 24,170.84	\$ 24,170.84
TOTAL						\$ 53,203.00	\$ -	\$ 53,203.00

FROM								
MYMY	1410	160	L024	TRAFFIC SIGNAL MODIFYS-VARIOUS	6010	\$ 5,000.00	\$ (4,554.28)	\$ 445.72
MYMY	1410	160	L024	TRAFFIC SIGNAL MODIFYS-VARIOUS	6040	\$ 45,000.00	\$ (44,960.67)	\$ 39.33
TO								
MYMY	1410	160	1635	L024-TRAFFIC SIGNAL MODIFYS-VARIOUS		\$ -	\$ 49,514.95	\$ 49,514.95
TOTAL						\$ 53,203.00	\$ -	\$ 53,203.00

FROM								
MYMY	1410	160	L135	CONSTRUCT NEW TRAFFIC SIGNALS	6050	\$ 35,000.00	\$ (10,000.00)	\$ 25,000.00
TO								
MY	1410	160	1636	L135-CONSTRUCT NEW TRAFFIC SIGNALS	6040	\$ -	\$ 10,000.00	\$ 10,000.00
TOTAL						\$ 35,000.00	\$ -	\$ 35,000.00

# CONVERSION OF OPERATING CIP TO MULTI-YEAR OPERATING ORGANIZATIONS

FY	FD	AG	ORG	ORG NAME	OBJ	BUDGET	EXPENSE	AVAILABLE
FROM								
MYMY	0700	160	L910	OPERATN OF CERES ATMS (2 YRS)	6010	\$ 23,000.00	\$ (12,502.29)	\$ 10,497.71
TO								
MYMY	0700	160	1632	L910-OPERATN OF CERES ATMS (2 YRS)	6040	\$ -	\$ 12,502.29	\$ 12,502
TOTAL						\$ 23,000.00	\$ -	\$ 23,000
FROM								
MYMY	1410	160	L911	RETIMING TRAFFIC SIGNALS	6010	\$ 19,000.00	\$ (18,800.17)	\$ 199.83
MYMY	1410	160	L911	RETIMING TRAFFIC SIGNALS	6080	\$ 162,000.00	\$ (162,000.00)	\$ -
TO								
MYMY	0700	160	1637	L911-RETIMING TRAFFIC SIGNALS	6080	\$ -	\$ 180,800.17	\$ 180,800.17
TOTAL						\$ 181,000.00	\$ -	\$ 181,000.00
FROM								
MYMY	2300	160	M144	Traffic Signal Modifications	6010	\$ 82,000.00	\$ (64,655.98)	\$ 17,344.02
MYMY	2300	160	M144	Traffic Signal Modifications	6040	\$ 621,350.00	\$ (499,472.84)	\$ 121,877.16
MYMY	2300	160	M144	Traffic Signal Modifications	6050	\$ 39,000.00	\$ (39,000.00)	\$ -
MYMY	2300	160	M144	Traffic Signal Modifications	6060	\$ 32,771.00	\$ (22,889.97)	\$ 9,881.03
TO								
MYMY	0700	160	1643	M144-Traffic Signal Modifications	6010	\$ -	\$ 64,655.98	\$ 64,655.98
MYMY	0700	160	1643	M144-Traffic Signal Modifications	6040	\$ -	\$ 499,472.84	\$ 499,472.84
MYMY	0700	160	1643	M144-Traffic Signal Modifications	6050	\$ -	\$ 39,000.00	\$ 39,000.00
MYMY	0700	160	1643	M144-Traffic Signal Modifications	6060	\$ -	\$ 22,889.97	\$ 22,889.97
TOTAL						\$ 775,121.00	\$ (0.00)	\$ 775,121.00
FROM								
MYMY	1410	160	M194	Growth Related New Traffic Sig	6060	\$ 161,138.00	\$ (159,642.76)	\$ 1,495.24
MYMY	1410	160	M194	Growth Related New Traffic Sig	6010	\$ 170,456.00	\$ (103,578.29)	\$ 66,877.71
MYMY	1410	160	M194	Growth Related New Traffic Sig	6040	\$ 1,136,296.00	\$ (979,518.84)	\$ 156,777
MYMY	1410	160	M194	Growth Related New Traffic Sig	6050	\$ 154,000.00	\$ (154,000.00)	\$ -
TO								
MYMY	1410	160	1638	M194-Growth Related New Traffic Sig	6060	\$ -	\$ 159,642.76	\$ 159,642.76
MYMY	1410	160	1638	M194-Growth Related New Traffic Sig	6010	\$ -	\$ 103,578.29	\$ 103,578.29
MYMY	1410	160	1638	M194-Growth Related New Traffic Sig	6040	\$ -	\$ 979,518.84	\$ 979,518.84
MYMY	1410	160	1638	M194-Growth Related New Traffic Sig	6050	\$ -	\$ 154,000.00	\$ 154,000.00
TOTAL						\$ 1,621,890.00	\$ -	\$ 1,621,890.00
FROM								
MYMY	1410	160	M195	Traffic Signals Modifications	6050	\$ 22,280.00	\$ (22,280.00)	\$ -
MYMY	1410	160	M195	Traffic Signals Modifications	6010	\$ 79,000.00	\$ (69,349.34)	\$ 9,650.66
MYMY	1410	160	M195	Traffic Signals Modifications	6040	\$ 613,800.00	\$ (566,633.43)	\$ 47,166.57
MYMY	1410	160	M195	Traffic Signals Modifications	6060	\$ 32,280.00	\$ (32,280.00)	\$ -
MYMY	1410	160	M195	Traffic Signals Modifications	6081	\$ 50,000.00	\$ (50,000.00)	\$ -
TO								
MYMY	1410	160	1639	M195-Traffic Signals Modifications	6050	\$ -	\$ 22,280.00	\$ 22,280.00
MYMY	1410	160	1639	M195-Traffic Signals Modifications	6010	\$ -	\$ 69,349.34	\$ 69,349.34
MYMY	1410	160	1639	M195-Traffic Signals Modifications	6040	\$ -	\$ 566,633.43	\$ 566,633.43
MYMY	1410	160	1639	M195-Traffic Signals Modifications	6060	\$ -	\$ 32,280.00	\$ 32,280.00
MYMY	1410	160	1639	M195-Traffic Signals Modifications	6081	\$ -	\$ 50,000.00	\$ 50,000.00
TOTAL						\$ 797,360.00	\$ -	\$ 797,360.00
FROM								
MYMY	1410	160	M197	Upgrade/Infill Traffic Signals	6010	\$ 32,000.00	\$ (22,286.35)	\$ 9,713.65
MYMY	1410	160	M197	Upgrade/Infill Traffic Signals	6040	\$ 341,200.00	\$ (341,200.00)	\$ -
MYMY	1410	160	M197	Upgrade/Infill Traffic Signals	6050	\$ 10,000.00	\$ (10,000.00)	\$ -
MYMY	1410	160	M197	Upgrade/Infill Traffic Signals	6060	\$ 20,000.00	\$ (20,000.00)	\$ -
TO								
MYMY	1410	160	1640	M197-Upgrade/Infill Traffic Signals	6060	\$ -	\$ 22,286.35	\$ 22,286.35
MYMY	1410	160	1640	M197-Upgrade/Infill Traffic Signals	6010	\$ -	\$ 341,200.00	\$ 341,200.00
MYMY	1410	160	1640	M197-Upgrade/Infill Traffic Signals	6040	\$ -	\$ 10,000.00	\$ 10,000.00
MYMY	1410	160	1640	M197-Upgrade/Infill Traffic Signals	6050	\$ -	\$ 20,000.00	\$ 20,000.00
TOTAL						\$ 403,200.00	\$ -	\$ 403,200.00

# CONVERSION OF OPERATING CIP TO MULTI-YEAR OPERATING ORGANIZATIONS

FY	FD	AG	ORG	ORG NAME	OBJ	BUDGET	EXPENSE	AVAILABLE
FROM								
MYMY	1410	160	N102	Retiming Traffic Signals	6010	\$ 40,000.00	\$ (29,194.80)	\$ 10,805.20
MY	1410	160	N102	Retiming Traffic Signals	6081	\$ 35,000.00	\$ (35,000.00)	\$ -
MY	1410	160	Q236	Retiming Traffic Signals	6081	\$ 75,000.00	\$ (74,325.94)	\$ 674.06
TO								
MYMY	1410	160	1641	N102-Retiming Traffic Signals	6060	\$ -	\$ 29,194.80	\$ 29,194.80
MYMY	1410	160	1641	N102-Retiming Traffic Signals	6010	\$ -	\$ 109,325.94	\$ 109,325.94
TOTAL						\$ 150,000.00	\$ -	\$ 150,000.00

FROM								
MYMY	1300	430	E484	GIS (GEOGRAPHIC INFO SYSTEM)	6070	\$ 22,076.00	\$ (22,076.00)	\$ -
MYMY	1300	700	1625	TRANSFER OUT	9070	\$ -	\$ (22,076.00)	\$ (22,076.00)
TO								
MYMY	0700	160	1625	GIS DATA COLLECTION	6060	\$ -	\$ 22,076.00	\$ 22,076.00
MYMY	0700	700	1625	TRANSFER IN	7130	\$ -	\$ 22,076.00	\$ 22,076.00
TOTAL						\$ 22,076.00	\$ -	\$ 22,076.00

FROM								
MYMY	0700	160	Q202	Eliminate Traffic Bottlenecks	6010	\$ 13,000.00	\$ (11,086.25)	\$ 1,913.75
MYMY	0700	160	Q202	Eliminate Traffic Bottlenecks	6040	\$ 121,000.00	\$ (103,627.58)	\$ 17,372.42
MYMY	0700	160	Q202	Eliminate Traffic Bottlenecks	6050	\$ 16,000.00	\$ (15,679.72)	\$ 320.28
TO								
MYMY	0700	160	1631	Q202-Eliminate Traffic Bottlenecks	6010	\$ -	\$ 11,086.25	\$ 11,086.25
MYMY	0700	160	1631	Q202-Eliminate Traffic Bottlenecks	6040	\$ -	\$ 103,627.58	\$ 103,627.58
MYMY	0700	160	1631	Q202-Eliminate Traffic Bottlenecks	6050	\$ -	\$ 15,679.72	\$ 15,679.72
TOTAL						\$ 150,000.00	\$ -	\$ 134,320.28

FROM								
MYMY	1410	160	Q204	Intersection Upgrades - CFF	6010	\$ 35,000.00	\$ (33,603.71)	\$ 1,396.29
MYMY	1410	160	Q204	Intersection Upgrades - CFF	6040	\$ 618,000.00	\$ (618,000.00)	\$ -
MYMY	1410	160	Q204	Intersection Upgrades - CFF	6050	\$ 20,000.00	\$ (20,000.00)	\$ -
MYMY	1410	160	Q204	Intersection Upgrades - CFF	6060	\$ 27,000.00	\$ (27,000.00)	\$ -
TO								
MYMY	1410	160	1642	Q204-Intersection Upgrades - CFF	6060	\$ -	\$ 33,603.71	\$ 33,603.71
MYMY	1410	160	1642	Q204-Intersection Upgrades - CFF	6010	\$ -	\$ 618,000.00	\$ 618,000.00
MYMY	1410	160	1642	Q204-Intersection Upgrades - CFF	6040	\$ -	\$ 20,000.00	\$ 20,000.00
MYMY	1410	160	1642	Q204-Intersection Upgrades - CFF	6050	\$ -	\$ 27,000.00	\$ 27,000.00
TOTAL						\$ 700,000.00	\$ -	\$ 700,000.00

FROM								
MYMY	2300	160	Q205	Intersection Upgrades - Gas Ta	6010	\$ 25,000.00	\$ (16,521.30)	\$ 8,478.70
MYMY	2300	160	Q205	Intersection Upgrades - Gas Ta	6040	\$ 166,332.00	\$ (159,788.61)	\$ 6,543.39
MYMY	2300	160	Q205	Intersection Upgrades - Gas Ta	6060	\$ 23,000.00	\$ (22,844.01)	\$ 155.99
MYMY	2300	160	Q205	Intersection Upgrades - Gas Ta	6050	\$ 19,000.00	\$ (19,000.00)	\$ -
TO								
MYMY	0700	160	1644	Q205-Intersection Upgrades - Gas Ta	6010	\$ -	\$ 16,521.30	\$ 16,521.30
MYMY	0700	160	1644	Q205-Intersection Upgrades - Gas Ta	6040	\$ -	\$ 159,788.61	\$ 159,788.61
MYMY	0700	160	1644	Q205-Intersection Upgrades - Gas Ta	6060	\$ -	\$ 22,844.01	\$ 22,844.01
MYMY	0700	160	1644	Q205-Intersection Upgrades - Gas Ta	6050	\$ -	\$ 19,000.00	\$ 19,000.00
TOTAL						\$ 233,332.00	\$ -	\$ 233,332.00

**CONVERSION OF OPERATING CIP TO MULTI-YEAR OPERATING ORGANIZATIONS**

FY	FD	AG	ORG	ORG NAME	OBJ	BUDGET	EXPENSE	AVAILABLE
<b>FROM</b>								
MYMY	2300	160	Q206	New Traffic Signals - Gas Tax	6010	\$ 28,000.00	\$ (6,123.48)	\$ 21,876.52
MYMY	2300	160	Q206	New Traffic Signals - Gas Tax	6040	\$ 162,000.00	\$ (39,391.65)	\$ 122,608
MYMY	2300	160	Q206	New Traffic Signals - Gas Tax	6050	\$ 18,000.00	\$ (18,000.00)	\$
MYMY	2300	160	Q206	New Traffic Signals - Gas Tax	6060	\$ 22,000.00	\$ (21,765.50)	\$ 234
<b>TO</b>								
MYMY	0700	160	1645	Q206-New Traffic Signals - Gas Tax	6010	\$ -	\$ 6,123.48	\$ 6,123.48
MYMY	0700	160	1645	Q206-New Traffic Signals - Gas Tax	6040	\$ -	\$ 39,391.65	\$ 39,391.65
MYMY	0700	160	1645	Q206-New Traffic Signals - Gas Tax	6050	\$ -	\$ 18,000.00	\$ 18,000.00
MYMY	0700	160	1645	Q206-New Traffic Signals - Gas Tax	6060	\$ -	\$ 21,765.50	\$ 21,765.50
<b>TOTAL</b>						\$ 230,000.00	\$ -	\$ 230,000.00

<b>FROM</b>								
MYMY	0700	160	Q208	Upgrade High Voltage Circuits	6050	\$ 10,000.00	\$ (10,000.00)	\$ -
MYMY	0700	160	Q208	Upgrade High Voltage Circuits	6041	\$ 135,000.00	\$ (135,000.00)	\$ -
MYMY	0700	160	Q208	Upgrade High Voltage Circuits	6010	\$ 9,000.00	\$ (7,439.27)	\$ 1,560.73
MYMY	0700	160	Q208	Upgrade High Voltage Circuits	6040	\$ 55,000.00	\$ (54,702.15)	\$ 297.85
MYMY	0700	160	1624	Upgrade High Voltage Circuits	5900	\$ 20,000.00	\$ (11,770.75)	\$ 8,229.25
<b>TO</b>								
MYMY	0700	160	1624	Q208-Upgrade High Voltage Circuits	6010	\$ -	\$ 10,000.00	\$ 10,000.00
MYMY	0700	160	1624	Q208-Upgrade High Voltage Circuits	6040	\$ -	\$ 146,770.75	\$ 146,770.75
MYMY	0700	160	1624	Q208-Upgrade High Voltage Circuits	6050	\$ -	\$ 7,439.27	\$ 7,439.27
MYMY	0700	160	1624	Q208-Upgrade High Voltage Circuits	6060	\$ -	\$ 54,702.15	\$ 54,702.15
<b>TOTAL</b>						\$ 229,000.00	\$ -	\$ 229,000.00

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-291**

**A RESOLUTION APPROVING A SUBORDINATION AGREEMENT FOR THE HOME LOAN PROVIDED TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) IN FISCAL YEAR 2001-2002, FOR THE DEVELOPMENT AND CONSTRUCTION OF THE 3333 CARVER ROAD PROJECT, APPROVING AN EXTENSION FOR COMPLETION OF THE CONSTRUCTION BY JUNE 30, 2005, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT.**

WHEREAS, on April 9, 2002, by Resolution No. 2002-168, the Modesto City Council approved the allocation of \$250,000 for the Miller Pointe project and \$832,000 for the 3333 Carver Road project; the development of these two projects will add 34 affordable multi-family units for very-low, low, and moderate-income families in the City of Modesto, and

WHEREAS, on September 3, 2002, by Resolution No. 2002-426, the City Council approved an agreement with STANCO to provide \$657,000 in HOME funds and \$175,000 in HOME CHDO-designated funds for the development of 3333 Carver Road; the agreement was executed and then recorded at the Stanislaus County Clerk's office on October 4, 2002, and

WHEREAS, the funds allocated to this project along with other funding sources were estimated to be enough; however, after the construction bids were opened, it was revealed that the lowest responsible bids were approximately \$600,000 higher than originally budgeted due to:

- The housing industry is booming and contractors are extremely busy, which invariably raises the prices,
- Workman's Compensation insurance for contractors and subcontractors has drastically increased,

- It is difficult to get contractors to bid for small projects because the cost of the insurance for multi-family housing developments,

and,

WHEREAS, in September 2003, the City received an application from STANCO requesting additional funds for the 3333 Carver Road project; STANCO also secured additional funds from other financial institutions, and

WHEREAS, on March 23, 2004, by Resolution No. 2002-164, the City Council approved a request from STANCO for HOME funds in the amount of \$624,831 for the development of the 3333 Carver Road project, and

WHEREAS, in May 2004, the City received a subordination agreement from STANCO for the subordination of the \$832,000 HOME loan provided by the City of Modesto for the development and construction of the Carver Road project, and if the Council approves the subordination agreements, the City HOME loans will be in second position,

WHEREAS, the financial institution lending the funds to STANCO requires that as a condition to provide the loans, the loans be and remain at all times prior and superior to other loans, and the subordination agreements set forth the priority of repayment rights against the borrower and its assets, and

WHEREAS, the City of Modesto HOME loan agreements executed in the year 2002 required that the project be completed by December 2003; based on the issues above mentioned and the financing gap, the project was not completed by December 2003, and an extension is needed for completion of construction by June 30, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Subordination Agreement for the HOME loan

provided to Stanislaus County Affordable Housing Corporation (STANCO) in fiscal year 2001-2002, for the development and construction of the 3333 Carver Road project.

BE IT FURTHER RESOLVED that the Council hereby approves an extension for completion of the construction by June 30, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-292**

**A RESOLUTION APPROVING A SUBORDINATION AGREEMENT FOR THE HOME LOAN PROVIDED TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS IN FISCAL YEAR 2001-2002, FOR THE DEVELOPMENT AND CONSTRUCTION OF THE MILLER POINTE PROJECT, APPROVING AN EXTENSION FOR COMPLETION OF THE CONSTRUCTION BY JUNE 30, 2005, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT.**

WHEREAS, on April 9, 2002, by Resolution No. 2002-168, the Modesto City Council approved the allocation of \$250,000 for the Miller Pointe project and \$832,000 for the 3333 Carver Road project; the development of these two projects will add 34 affordable multi-family units for very-low, low, and moderate-income families in the City of Modesto, and

WHEREAS, On October 22, 2002, by Resolution No. 2002-519, the City Council approved an agreement with the Housing Authority of Stanislaus County to provide \$250,000 in HOME funds for the development of Miller Pointe subdivision; the agreement was executed and then recorded at the Stanislaus County Clerk's office on December 2, 2002, and

WHEREAS, the funds allocated to this project along with other funding sources were estimated to be enough; however, after the construction bids were opened, it was revealed that the lowest responsible bids were approximately \$600,000 higher than originally budgeted due to:

- The housing industry is booming and contractors are extremely busy, which invariably raises the prices,
- Workman's Compensation insurance for contractors and subcontractors has drastically increased,

- It is difficult to get contractors to bid for small projects because the cost of the insurance for multi-family housing developments,

and,

WHEREAS, in September 2003, the City received an application from the Housing Authority requesting additional funds for the Miller Pointe project; the Housing Authority also secured additional funds from other financial institutions, and

WHEREAS, on March 23, 2004, by Resolution No. 2002-164, the City Council approved a request from Housing Authority for HOME funds in the amount of \$400,000 for the development of the Miller Pointe project, and

WHEREAS, in May 2004, the City received a subordination agreement from Housing Authority for the subordination of the \$250,000 HOME loan provided by the City of Modesto for the development and construction of the Miller Pointe project, and if the Council approves the subordination agreements, the City HOME loans will be in second position,

WHEREAS, the financial institution lending the funds to the Housing Authority requires that as a condition to provide the loans, the loans be and remain at all times prior and superior to other loans, and the subordination agreements set forth the priority of repayment rights against the borrower and its assets, and

WHEREAS, the City of Modesto HOME loan agreements executed in the year 2002 required that the project be completed by December 2003; based on the issues above mentioned and the financing gap, the project was not completed by December 2003, and an extension is needed for completion of construction by June 30, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Subordination Agreement for the HOME loan

provided to the Housing Authority of the County of Stanislaus (Housing Authority) in fiscal year 2001-2002, for the development and construction of the Miller Pointe project.

BE IT FURTHER RESOLVED that the Council hereby approves an extension for completion of the construction by June 30, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-293**

**A RESOLUTION APPROVING A SETTLEMENT AGREEMENT, AN  
AMENDMENT TO THE CABLE TELEVISION FRANCHISE RENEWAL  
AGREEMENT, AND AN INSTITUTIONAL NETWORK CONSTRUCTION AND  
MAINTENANCE AGREEMENT WITH COMCAST, INC., AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE THE AGREEMENTS.**

WHEREAS, the City and Comcast, Inc. (Comcast), desire to settle pending litigation in federal court relating to Comcast's failure to correct the cable system grounding within the time set forth in the cable franchise documents, and

WHEREAS, the cable franchise agreement provides for a 5-year extension of its term in the event that Comcast completes the cable upgrade by July 5, 2003, and

WHEREAS, with the completion of the upgrade, the City and Comcast now desire to enter into an Amendment to the Cable Television Franchise Renewal Agreement for a five-year extension, said term expiring on July 4, 2016, and

WHEREAS, the City and Comcast desire to enter into an Institutional Network Construction and Maintenance Agreement whereby the terms of Comcast's construction of an Institutional Network are set forth,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Settlement Agreement, the Amendment to the Cable Television Franchise Renewal Agreement, and an Institutional Network Construction and Maintenance Agreement with Comcast, Inc.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Settlement Agreement, Amendment to the Cable Television Franchise Renewal Agreement, and the Institutional Network Construction and Maintenance Agreement with Comcast, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-294**

**A RESOLUTION AUTHORIZING MODESTO AREA EXPRESS (MAX) TO  
IMPLEMENT TWO NEW ROUTES AND MAKE CHANGES TO ELEVEN  
OTHER ROUTES EFFECTIVE JANUARY 2005**

WHEREAS, the City of Modesto's Strategic Plan includes Strategy III.B.1:  
"Develop an efficient, well coordinated, county-wide, multi-modal transportation  
system", and

WHEREAS, Modesto Area Express (MAX) is a critical component of the  
transportation system, and

WHEREAS, establishing two new routes to serve South Modesto and the Vintage  
Faire Mall areas would enhance the efficiency of the MAX system, and

WHEREAS, additional efficiencies are to be gained by making schedule and/or  
route changes to eleven other routes, and

WHEREAS, an informal, drop in, public meeting was held on Thursday, April 29,  
2004, from 4:00 p.m. to 6:00 p.m. to allow for discussion of the new routes and proposed  
route changes, and

WHEREAS, the Economic Development Committee approved this item at its  
May 10, 2004 meeting, and

WHEREAS, by a report to the Council dated May 17, 2004, from the Engineering  
and Transportation Department, City staff recommended implementing two new routes  
and revising schedules and/or routes for eleven other routes, a copy of said report is

attached hereto and incorporated herein by reference, and is on file in the Office of the City Clerk, and

WHEREAS, the City Council conducted a duly noticed Public Hearing on these proposed changes on June 1, 2004, in accordance with Federal Transit Administration regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the two new routes and the changes to eleven other routes and authorizes the Transit Manager to implement the two new routes and make changes to eleven other routes effective January 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

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

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-295**

**A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS IN THE ESTA ESTATES SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH RANDALL A. O'DELL AND CARLA O'DELL, HUSBAND AND WIFE AS JOINT TENANTS**

WHEREAS, RANDALL A. O'DELL and CARLA O'DELL, Husband and Wife as Joint Tenants, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 2.07 acres, known as the ESTA ESTATES SUBDIVISION ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, an application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on June 10, 2002, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 29th day of July, 2002, and

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

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

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

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

WHEREAS, the subdivider has posted a warranty security in an amount equal to the estimated cost of the public improvements, as determined by the City Engineer, to guarantee and warranty the public improvements for a period of one year after acceptance.

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

1. The final map is hereby approved.
2. The dedications for streets and easements as shown thereon within the boundaries of said tract are hereby accepted on behalf of the public for public use.
3. The improvements completed in Esta Estates Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
4. The City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

5. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Municipal Code.
6. The City Clerk is further authorized to release the warranty security to guarantee improvements in the amount of \$10,427.19 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney



CITY OF MODESTO  
COUNCIL AGENDA REPORT

COUNCIL MEETING:  
Date of Meeting  
June 1, 2004

Date: May 17, 2004

TO: Mayor and City Council  
FROM: Peter Cowles, Interim Engineering & Transportation Director  
SUBJECT: Modesto Area Express (MAX) Route and Schedule Changes  
CONTACT: Fred Cavanah, Transit Manager, fcavanah@modestogov.com 577-5295  
PRESENTER: Fred Cavanah, Transit Manager

**RECOMMENDED COUNCIL ACTION:**

Approve routes and schedules for two new Modesto Area Express (MAX) routes and route and schedule changes for 11 of the 17 existing MAX routes to become effective January 2005 at a cost of approximately \$184,000 in Local Transportation Fund (LTF) monies for FY 2004/05.

**I. BACKGROUND:**

On April 6, the City Council approved conceptual plans and funding to implement two new MAX routes in January 2005. In addition to adding new routes, staff indicated in the report its plan to make route and/or schedule changes to several additional MAX routes. The proposed new routes and revisions to existing routes are described in the attachments to this report and are summarized below.

**New Routes**

The two new routes proposed for implementation are shown on the attached Public Hearing Notice as Routes 41x and 42.

**Route 41x** would operate between the Transportation Center and Vintage Faire Mall via the freeway and also facilitate the provision of service to areas north of the mall. On weekdays, this route would operate every 30 minutes between 9:15 a.m. and 7:40 p.m. On Saturdays, it would operate hourly, between approximately 9:30 a.m. and 7:40 p.m.

**Route 42** would connect the downtown Transportation Center, the Community Services Agency on Hackett Road, and the residential area west of Crows Landing Road. It would operate every 30 minutes between 5:51 a.m. and 7:54 p.m. This route would replace a portion of Route 29 that currently serves this area. It would significantly reduce passenger travel time and overcrowding on Route 29, which routinely operates with standing room only.

**Revisions to Existing Routes**

**Scheduling:** The bus bays at the Transportation Center are fully utilized at present. As a result, in order to add the two new routes it is necessary to revise the times that routes stop there. Routes currently come into the Center only at 15 and 45 minutes past the hour. The

proposal is to shift approximately half of the routes to come into the center on the hour and/or the half hour, dependent upon bus operating frequency.

**Routing:** Proposed changes to existing routes are briefly described as follows and are shown on the map in the Public Hearing notice.

- Route 29 would be split into two routes and Route 42 would cover the route portion deleted from Route 29.
- Route 31 would be deleted from Standiford Ave. between Tully Rd. and Dale Rd. It would be rerouted to provide service to the Stanislaus County Housing Authority residential facility at the intersection of Pelandale Ave. and Tully Road and would also serve the recently opened Kaiser Permanente facility on Dale Road, north of the mall.
- Service on Route 33 would be reversed on parts of Tully Road, 9<sup>th</sup> St. and Coldwell Ave. in an effort to enable the route to run on schedule.
- Due to poor ridership, Route 34 would no longer make the morning and evening trips east of Lakewood that it currently does and would instead provide more service to that portion of Route 34 north of Orangeburg Ave.
- Route 36 would no longer serve Robertson Rd. and portions of Carpenter Rd. and Sutter Ave. south of Beverly Dr. and Rouse Ave., respectively. This change will shorten the route and allow it to better adhere to its schedule.

**II. REASONS FOR RECOMMENDATION:**

The transit system needs to grow with the community to maintain its effectiveness. In addition, as traffic congestion and ridership increase, existing routes need to be revised occasionally to better operate on schedule.

**III. EXISTING POLICY / RELATIONSHIP TO THE STRATEGIC PLAN:**

Provision of transit service is consistent with City policy and the strategic plan.

**IV. POLICY ALTERNATIVES:**

The City Council may choose to implement more or fewer services than staff recommends.

**V. FISCAL IMPACTS:**

The two new routes and other route and schedule changes proposed for implementation in January 2005 would require about \$184,000 in LTF funds for FY2004/05. Total LTF required for a full year of operation of the route and schedule changes would be approximately \$440,000. The gross cost of providing these new services for a little over 5 months during FY 2004/05 is approximately \$305,000. The gross cost for a full year would be \$730,000. In addition to LTF, funding needed to operate the new service would come from the Federal Transit Administration (FTA) and passenger fares. Funding for the new service is included in the FY 2004/05 baseline operating budget. LTF is eligible to be used for street purposes if it is not needed to meet unmet public transit needs that are reasonable to meet.

**VI. INTERDEPARTMENTAL COORDINATION:**

Staff works with the O&M Bus Maintenance Division on all proposals.

**VII. PUBLIC PARTICIPATION:**

An informal, drop in, public meeting was held Thursday, April 29, from 4 p.m. to 6 p.m. Since no formal presentation was made, the public could come and go as they pleased and not miss anything. The time was very convenient for bus riders since bus service continues well after the 6 p.m. ending time.

Seventeen individuals attended the public meeting and staff received e-mails or telephone calls from thirteen others. Nearly all comments were very supportive. Among the small group of individuals who voiced concerns, the largest number was regarding the removal of Route 31 from Standiford. Although Standiford will continue to be served by Route 22, Route 31 stops at the mall's rear entrance and Route 22 stops on Dale Road adjacent to the mall. The concerned passengers wanted to be able to continue to ride the bus to the mall's rear entrance and avoid the walk from Dale Rd.

The other major concern was the timing of Route 34. However, the complainants were satisfied with the staff proposal to offset Route 34 by 30 minutes from its proposed schedule.

**VIII. COMMITTEE RECOMMENDATION:**

The Economic Development Committee (EDC) approved this item at its meeting on May 10, 2004.


**IX. ENVIRONMENTAL REVIEW:**

Not required for this project.


**X. STEPS FOLLOWING APPROVAL:**

The route changes will take effect in late January 2005. The changes will be preceded by a campaign to inform passengers.

Prepared By:

  
Fred Cavanah, Transit Manager, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com), 577-5295

Reviewed By:

  
Peter, Cowles, Interim Engineering & Transportation Director

Submitted By:

  
Jack Crist, City Manager

- Attachments: A) Brochure describing proposed route and schedule changes  
B) Route Changes Summary Table  
C) Council Resolution

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the Council of the City of Modesto on Tuesday, June 1, 2004, at 5:30 pm in the City Council Chambers, Basement Level, Tenth Street Place, 1010 10th Street, Modesto, California, to consider establishing two new Modesto Area Express (MAX) routes and revising eleven other routes. If you have any questions, please call the Transit Division at 577-5295.

### *Overview of Proposed Route and Schedule Changes*

Staff is proposing to add two new routes: (1) **Route 41x** would connect the downtown Transportation Center with Vintage Faire Mall via the freeway. (2) **Route 42** would connect the Transportation Center via the freeway with Crows Landing Road and the County Community Services Agency and also serve the neighborhood west of Crows Landing Road. Schedule changes would have buses leave the Transportation Center every 15 minutes to the Modesto Junior College East campus and Vintage Faire Mall. These changes would also help buses stay on time and make transferring easier.

### *Route Additions, Deletions and Revisions (See reverse side for maps)*

- Existing **Route 29** would be split into two routes, a revised **Route 29** and a new **Route 42**. The revised **Route 29** would be shorter than the old **Route 29**. New **Route 42** would serve the neighborhood southwest of Crows Landing Road that would not be served by the revised **Route 29**. Both routes would run every 30 minutes.
- A new **Route 41x** would be an express route traveling between Vintage Faire Mall and the Transportation Center using Highway 99 and would run every 30 minutes.
- **Route 31** service would be eliminated from Standiford between Tully and Dale Rd. New service would be provided as shown on the map.
- **Route 36** service would be eliminated from Robertson Rd, Sutter and a part of Carpenter. Service would be added to Beverly and Rouse.
- **Route 34** would no longer serve any streets east of Lakewood. Additional trips would be provided on the portion of Rt 34 north of Orangeburg.
- **Route 33** service would be reversed on parts of Tully, 9th, and Coldwell.

### *Monday - Saturday Schedule Changes*

For weekdays and Saturdays, instead of leaving from the Transportation Center at 15 and/or 45 minutes past the hour as they currently do, the routes listed below would leave on the hour and half past the hour. New weekday and Saturday leave times are listed below for each route that would change. All routes NOT LISTED would stay the same as they are currently.

- **Route 22** would leave on the hour and the half hour (on the hour on Saturdays)
- **Route 24** would leave once each hour at half past the hour
- **Route 26** would leave on the hour and the half hour
- **Route 27** would leave once each hour at half past the hour
- **Route 30** would leave on the hour and the half hour (Saturday is yet to be determined)
- **Route 33** would leave on the hour and the half hour (on Saturdays, once each hour at 15 minutes past the hour)
- **Route 34** would leave once each hour on the hour
- **Route 38** would leave on the hour and the half hour

Leave times on Sunday would continue to be 15 and/or 45 minutes past the hour for all routes.

# **PUBLIC HEARING**

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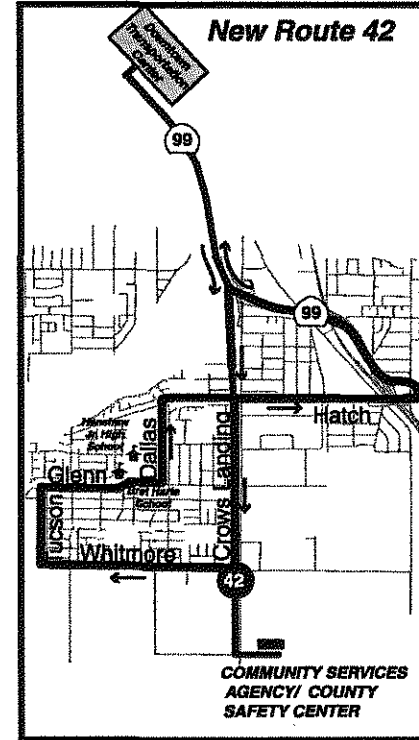
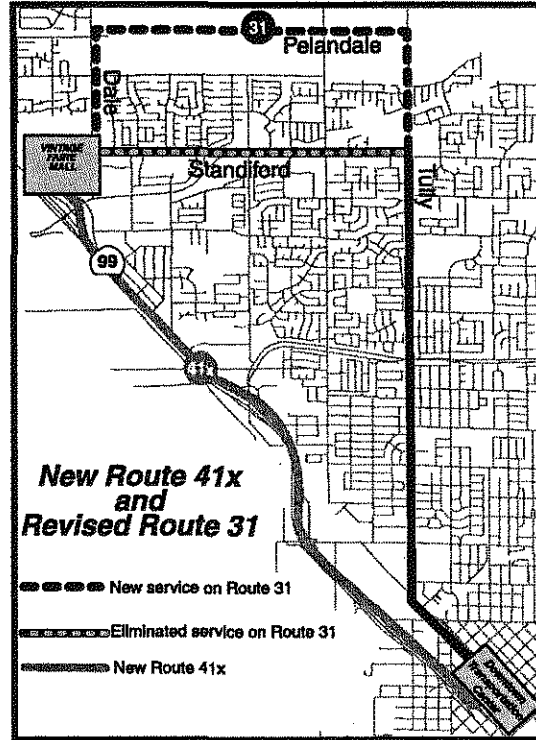
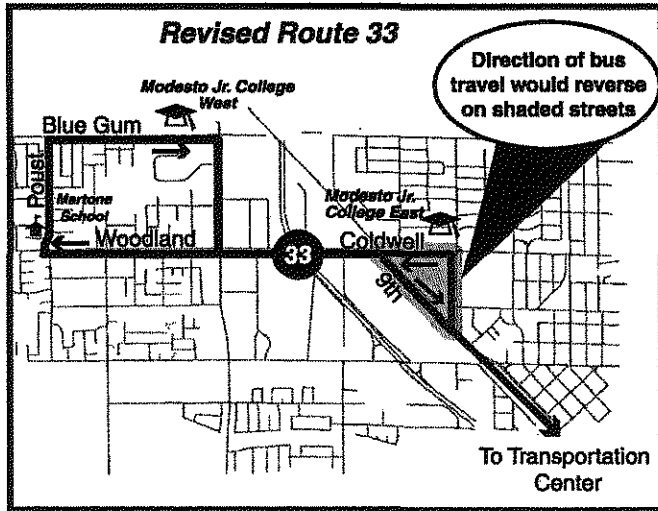
## **ROUTE AND SCHEDULE CHANGES**

**Most Routes Affected**

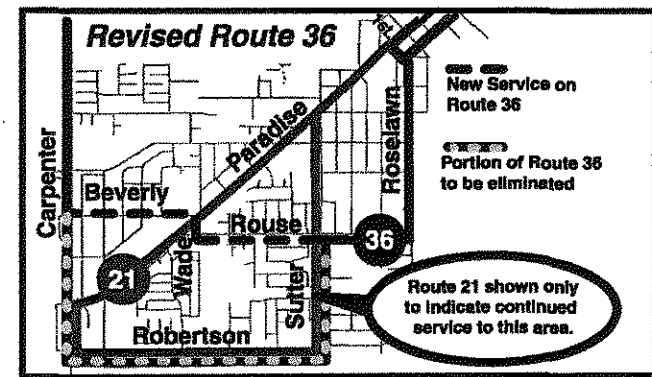
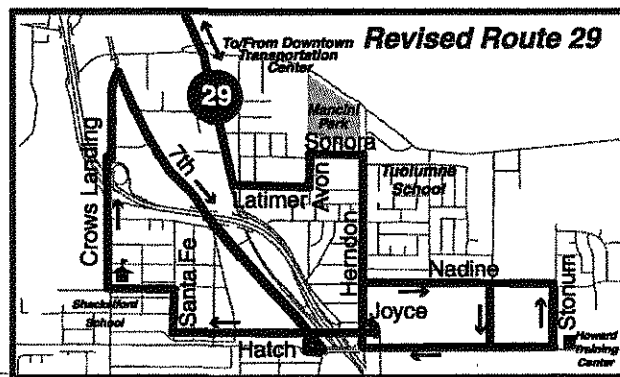
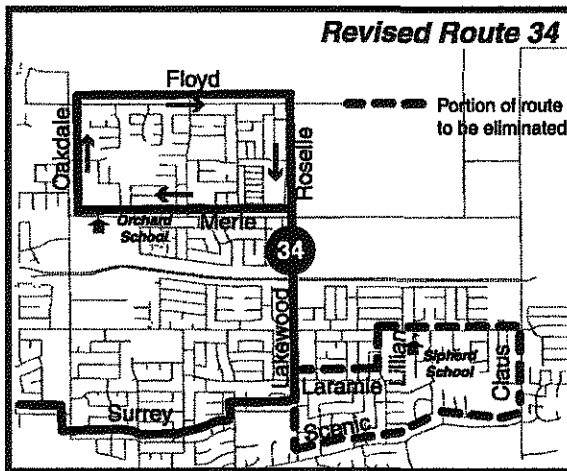
**Proposed Route &  
Schedule Changes  
Effective January 2005**

**MAX**  
MODESTO AREA EXPRESS

**For more information call:  
577-5295**



**Route Changes and New Service Described on the Reverse Side of this Brochure.**



## Proposed MAX Changes Summary for January 2005

Route	New Route	Route Change	Bus Frequency	Transit Center Departure	Change to Start and Stop Times
21	----	----	30 Minutes	15 and 45 After	No Change
22	----	----	30 Minutes	On Hour and Half	Starts 15 Minutes Earlier and Ends 15 Minutes Later
24	----	Yes	60 Minutes	On the Half Hour	Starts 15 Minutes Later and Ends 15 Minutes Later
25	----	----	30 Minutes	15 and 45 After	No Change
26	----	----	30 Minutes	On Hour and Half	Starts 15 Minutes Earlier and Ends 15 Minutes Later
27	----	----	60 Minutes	On the Half Hour	Starts 15 Minutes Earlier and Ends 15 Minutes Later
28	----	----	30 Minutes	From Mall Only	Starts 5 min Earlier and Ends 20 Minutes Later
29	----	Yes	30 Minutes	15 and 45 After	Arrives Downtown in AM Same time and Leave in PM Same Time
30	----	----	30 Minutes	On Hour and Half	Starts 15 Minutes Earlier and Ends 15 Minutes Later
31	----	Yes	30 Minutes	15 and 45 After	No Change
32	----	----	30 Minutes	15 and 45 After	No Change
33	----	Yes	30 Minutes	On Hour and Half	Starts 15 Minutes Earlier and Ends 15 Minutes Later
34	----	Yes	60 Minutes	On the Half Hour	Starts 15 Minutes Earlier and Ends 15 Minutes Earlier
36	----	----	60 Minutes	15 After	No Change
37	----	----	60 Minutes	45 After	No Change
38	----	----	30 Minutes	On Hour and Half	Starts 15 Minutes Earlier and Ends 15 Minutes Later
39	----	----	No Change	No Change	No Change
41 X	Yes	----	30 Minutes	15 and 45 After	New Service
42	Yes	----	30 Minutes	15 and 45 After	Areas served will have same service as they currently have with Rt 29

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-296**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN PAPTONE EAST  
SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING  
THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, LANCELOT PAPTONE, L.P., an Arizona limited partnership, and  
MERITAGE HOMES OF NORTHERN CALIFORNIA, INC., a California Corporation,  
are the subdividers of the Papatone East Subdivision, and

WHEREAS, MERITAGE HOMES OF NORTHERN CALIFORNIA, INC., a  
California Corporation, has filed irrevocable subdivision bonds to secure faithful  
performance and payment for labor and materials in the amounts of \$875,174.00 and  
\$437,587.00, respectively, and

WHEREAS, MERITAGE HOMES OF NORTHERN CALIFORNIA, INC., a  
California Corporation, has filed a warranty bond in the amount of \$87,517.40 to  
guarantee improvements in the Papatone East Subdivision, and

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

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

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

1. The improvements in the Papatone East Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$875,174.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$437,587.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$87,517.40 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Alison Barratt-Green  
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-297**

**A RESOLUTION SUMMARILY VACATING AND ABANDONING A 30-FOOT  
SEWER, WATER AND ACCESS EASEMENT LOCATED ON 1000 OATES  
COURT AT APN 086-014-019 IN THE CITY OF MODESTO**

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

WHEREAS, the City of Modesto has received a request from MARVIN OATES, Trustee of the MARVIN L. OATES TRUST, PHILIP D. OATES, a married man, as his sole and separate property, and O.B.F., A California General Partnership, to vacate one of two Sewer, Water, and Access Easements at 1000 Oates Court on APN 086-014-019, and

WHEREAS, said 30-foot Sewer, Water and Access Easement was created and dedicated to the City of Modesto on July 7, 1999, on the Enterprise Business Park Subdivision Map Vol. 38; Page 58, and

WHEREAS, said 30-foot Sewer, Water, and Access Easement is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference, and

WHEREAS, on July 1, 2002, the then property owners dedicated a relocated Sewer, Water, and Access Easement at 1000 Oates Court to the City of Modesto to replace said easement, and

WHEREAS, the Engineering and Transportation Department has contacted the Operations and Maintenance Department, Community and Economic Development

Department, and all public utilities and none of these agencies have any objection to the abandonment, and

WHEREAS, the Council of the City of Modesto finds and declares that:

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

2. The use of the property described in Exhibit "A", attached hereto, is a 30-foot Sewer, Water and Access Easement located at 1000 Oates Court on APN 086-014-019 in the City of Modesto, which is more particularly described in Exhibit "A", has been superseded by relocation and there are no other public facilities within the easement and the easement is no longer required for sewer, water and access purposes.

3. That from and after the date this resolution is recorded, the 30-foot Sewer, Water and Access Easement which is proposed for vacation will no longer constitute a public service easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 30-foot Sewer, Water and Access Easement located at 1000 Oates Court on APN 086-014-019 in the City of Modesto, which is more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by reference, be and is hereby vacated.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder's Office. From and after the date this resolution is recorded, said 30-foot Sewer, Water and Access Easement shall no longer constitute a public service easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

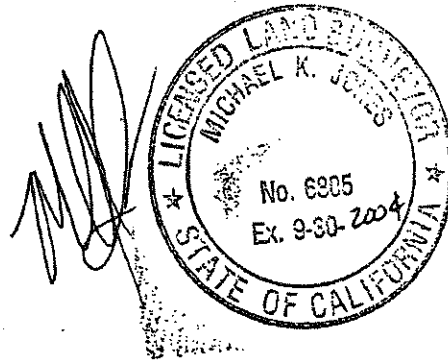
MICHAEL D. MILICH, City Attorney

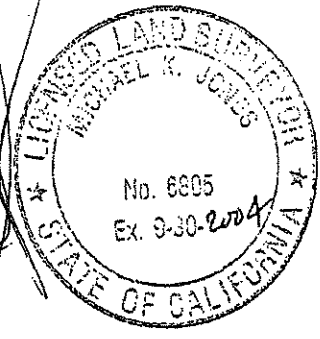
By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**ENTERPRISE BUSINESS PARK SEWER, WATER  
& ACCESS EASEMENT ABANDONMENT**  
Legal Description

All of the 30.00 foot wide sewer, water, and access easement, being a portion of Lots 2 and 3 as dedicated by Enterprise Business Park, filed for record in Book 38 of Maps, at Page 58, Stanislaus County Records, situate in the Northeast Quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California containing 0.52 acres, more or less.

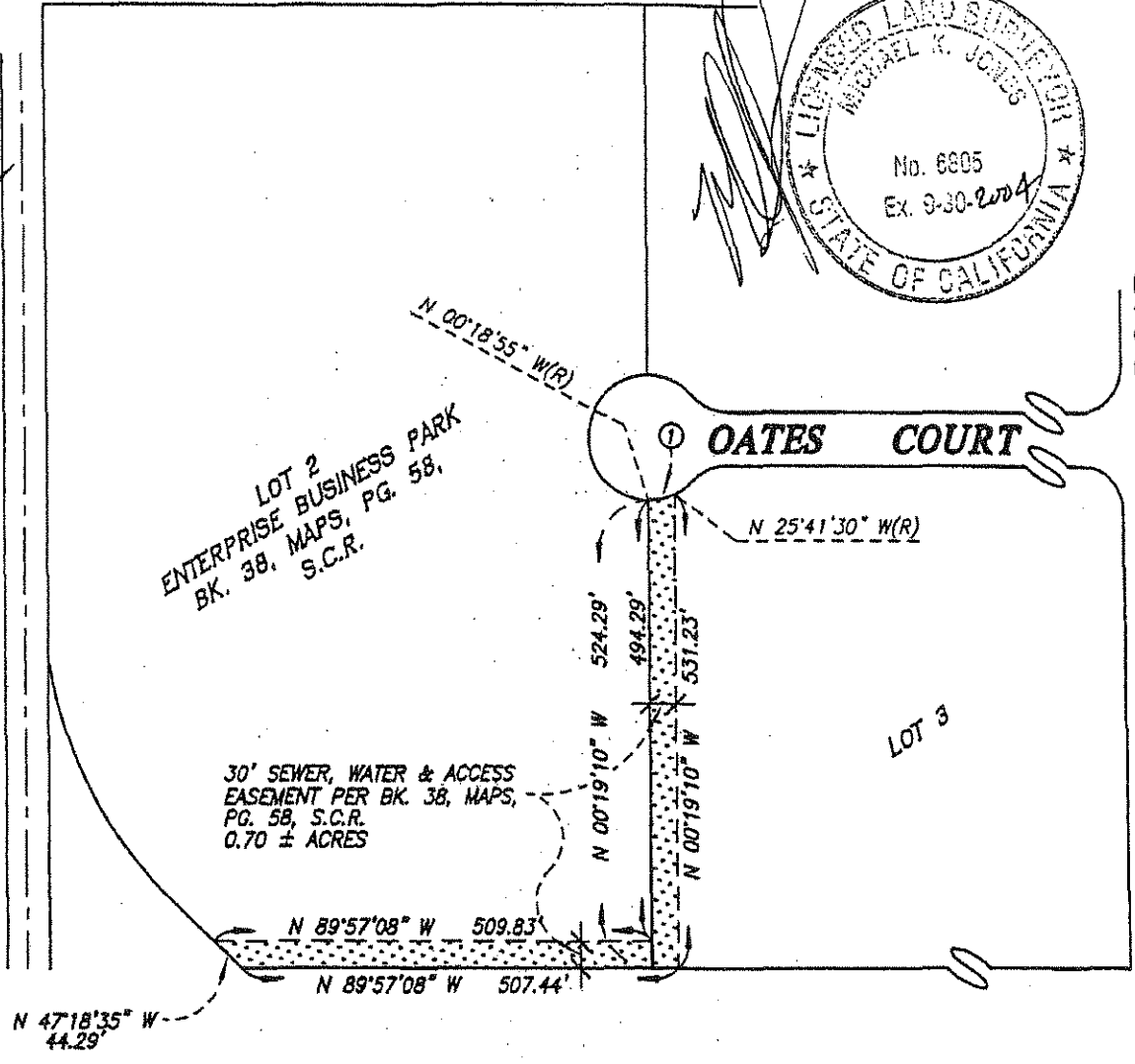
END DESCRIPTION





UNION PACIFIC RAILROAD

MORGAN ROAD



SCALE: 1"=200'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	DELTA	CH. BEARING
1	70.00'	31.00'	30.75'	25°22'35"	N 76°59'48" E

SCALE : 1"=200'  
 DRAWN BY : C. BOWERS  
 6680EASE-ABAND  
 DATE : JUNE 18, 2002



**O'Dell Engineering**

1101 M St. Suite 1 Modesto, CA 95354  
 (209) 571-1765 FAX: (209) 571-2466

**SEWER, WATER & ACCESS  
 BASEMENT ABANDONMENT**

PORTION LOTS 2 & 3  
 ENTERPRISE BUSINESS PARK  
 VOL. 38, MAPS, PG. 58,  
 S.C.R.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-298

RESOLUTION ACCEPTING THE WORK BY D. A. WOOD CONSTRUCTION, INC., FOR THE "VILLAGE ONE FORCE MAIN" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$565,805.70 PER THE CONTRACT. TOTAL PROJECT COST IS \$678,941.92.

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "Village One Force Main" has been completed by D. A. Wood Construction, Inc., in accordance with the contract agreement dated August 12, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Village One Force Main" project be accepted from said contractor, D. A. Wood Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$565,805.70, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-299**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT  
FOR THE PURCHASE AND ASSEMBLY OF TEN (10) GRANULAR  
ACTIVATED CARBON (GAC) UNITS, TO CARBON ACTIVATED  
CORPORATION, COMPTON, CA, FOR A TOTAL COST OF \$803,131**

WHEREAS, granular activated carbon (GAC) units are pressure vessels filled with granular activated carbon, and

WHEREAS, granular activated carbon is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, on February 24, 2004, in an effort to return inactive wells to service prior to the peak water use season, Council approved Resolution No. 2004-115, authorizing the Purchasing Supervisor to formally solicit bids for the purchase and assembly of nine (9) granular activated carbon (GAC) units, for the Operations and Maintenance Department, Water Division, for an engineer's estimated unit cost of \$80,000, for a combined total engineer's estimated cost of \$720,000, and

WHEREAS, the purchase of these vessels would provide treatment capability at four (4) priority wells; Well 225, 303, 21 and 8, and

WHEREAS, returning these wells to service, coupled with the completion of work on Well 65 (new well at Tank 5), Well 312 (new well in Empire), and the return to service of Well 50 (currently advertising for bids to install GAC treatment), would regain approximately thirty-six (36%) percent of the lost drinking water well production capacity, and

WHEREAS, on February 25, 2004, the Purchasing Division solicited Request for Bid No. 0304-19, for the purchase and assembly of nine (9) granular activated carbon

(GAC) units to three (3) bidders, plus posted the bid on the City's web site. The bid was also formally advertised by the City Clerk's Office, and

WHEREAS, during the bidding process, the Operations and Maintenance Department, Water Division made a request to add one (1) additional GAC vessel for Well 303, and

WHEREAS, on March 5, 2004, Addendum No. 1 was issued adding one (1) additional GAC vessel to the bid, bringing the bid total to ten (10) GAC vessels, and

WHEREAS, on March 10, 2004, Addendum No. 2 was issued affording prospective bidders the opportunity to submit bids for vessels filled with either "Domestic" or "Foreign" GAC, or both, if they were capable of supplying both, and

WHEREAS, bids were opened in the City Clerk's Office on March 16, 2004, and

WHEREAS, of the three (3) bidders solicited, all chose to respond, and

WHEREAS, two (2) out of the three (3) bidders submitted responsive bids, providing the required number of signed original bid documents and copies per the bid requirements, and

WHEREAS, one (1) bidder Carbon Activated Corporation (CAC), submitted one (1) signed original bid marked "Foreign" and one (1) signed original bid marked "Domestic", along with four (4) required bid copies marked "Domestic", and

WHEREAS, based on the documents submitted it appeared as though Carbon Activated Corporation was submitting a bid for "Domestic" GAC, and

WHEREAS, a phone call was made to clarify Carbon Activated Corporation's bid intention, and

WHEREAS, Carbon Activated Corporation submitted an email stating that they had intended to bid “Foreign” GAC, and

WHEREAS, based on not submitting the Council required number of signed original bid documents for either “Foreign” or “Domestic” GAC, their bid was deemed to be non-responsive and was disqualified, and

WHEREAS, Carbon Activated Corporation filed a written protest to the Purchasing Supervisor as well as to the Deputy City Manager, per written protest procedure guidelines, and

WHEREAS, both the Purchasing Supervisor and Deputy City Manager acting as the Hearing Officer, reviewed all of the documents submitted by Carbon Activated Corporation and based on their findings, concluded that Carbon Activated Corporation had submitted a non-responsive bid, and

WHEREAS, based on Council policy ensuring the integrity of the bidding process, the Purchasing Division had no option but to reject their bid, and

WHEREAS, City staff recommended rejecting all bids for Request for Bid No. 0304-19 for the purchase and assembly of ten (10) granular activated carbon (GAC) units based on responsive bids received exceeding the engineer’s estimate. Staff also recommended authorizing the Purchasing Supervisor to re-bid for the purchase and assembly of ten (10) granular activated carbon units, and

WHEREAS, re-bidding was the recommended option because the responsive bid packages were significantly higher than the original engineer’s estimate, and

WHEREAS, on April 27, 2004, Council approved Resolution No. 2004-239, rejecting all bids and authorizing re-bidding, for the purchase and assembly of ten (10) granular activated carbon (GAC) units, and

WHEREAS, on April 28, 2004, the Purchasing Division solicited Request for Bid No. 0304-22, for the purchase and assembly of ten (10) granular activated carbon (GAC) units to three (3) bidders, plus posted the bid on the City's web site, and

WHEREAS, the engineer's estimate remained the same as in the first bid of, \$80,000 per unit, for a combined total engineer's estimate of \$800,000, and

WHEREAS, bids were opened on May 11, 2004, in the City Clerk's office, and

WHEREAS, of the three (3) bidders solicited, all three (3) chose to respond, and

WHEREAS, all three (3) bidders submitted responsive bids, and

WHEREAS, only one (1) bidder, Carbon Activated Corporation, submitted a bid that was within the range of the engineer's estimate, and

WHEREAS, Carbon Activated Corporation submitted a total bid price of \$803,131, and

WHEREAS, based on being the lowest responsive bid, it is recommended by staff that the City award the bid and contract for the purchase and assembly of ten (10) granular activated carbon (GAC) units, to Carbon Activated Corporation, Compton, CA, for a total bid price of \$803,131.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for the purchase and assembly of ten (10) granular activated carbon (10) granular activated carbon (GAC) units, to Carbon Activated Corporation, Compton, CA, for a total bid price of \$803,131.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

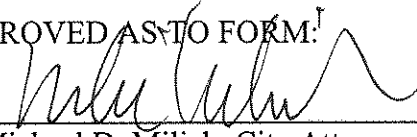
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-300**

**A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR COMMUNICATION EQUIPMENT AS PART OF THE NATIONAL ASSISTANCE TO FIREFIGHTER'S GRANT PROGRAM. THE ESTIMATED COST OF THE EQUIPMENT IS \$256,000.00. THE CITY'S SHARE IN THE COST FOR THIS GRANT-FUNDED PURCHASE IS 30% (\$77,000.00)**

WHEREAS, the City of Modesto applied for a grant for communications equipment as part of the National Assistance to Firefighter's Grant Program in the category of Fire Operations and Firefighter Safety Program in March of 2003, and

WHEREAS, the grant was awarded and accepted by Council on November 13, 2003, and

WHEREAS, the granted dollar amount is \$256,000.00, and

WHEREAS, the City of Modesto's Federal cost-share of 30% is \$77,000.00, and

WHEREAS, by soliciting bids for the communication equipment requested as part of this grant, the City will satisfy the Municipal Code requirements and will obtain the best pricing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the solicitation of bids for communication equipment as part of the National Assistance to Firefighter's Grant Program in the category of Fire Operations and Firefighter Safety Program in the amount of \$256,000 grant amount and the \$77,000.00 City of Modesto Federal cost-share.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-301**

**A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF AN AUTOMATED RED-LIGHT ENFORCEMENT PROGRAM TO AUGMENT THE EXISTING COMPREHENSIVE TRAFFIC CALMING MEASURES CURRENTLY BEING UTILIZED BY THE MODESTO POLICE DEPARTMENT APPROVING A FIVE (5) YEAR BASE CONTRACT WITH TWO (2) ADDITIONAL, ONE YEAR CONTRACT EXTENSION OPTIONS WITH REDFLEX TRAFFIC SYSTEMS OF CULVER CITY, CALIFORNIA FOR THE DESIGN AND IMPLEMENTATION OF SAID AUTOMATED RED-LIGHT ENFORCEMENT PROGRAM AND AUTHORIZING THE EXECUTION OF SAID CONTRACT BY THE CITY MANAGER**

WHEREAS, research by the United States Department of Transportation revealed there are more than 1.8 million intersection collisions annually, and, according to the Insurance Institute for Highway Safety, red light running is the leading cause of urban collisions, and

WHEREAS, in the year 2000, more than 106,000 of those 1.8 million collisions were the result of vehicles running a red light, and

WHEREAS, those red light collisions resulted in 89,000 injuries and 1,036 deaths, and

WHEREAS, in the year 2003, the City of Modesto had 313 intersection collisions directly attributable to red light running, and

WHEREAS, this statistic represents five percent (5%) of the total citywide collisions for 2003, and

WHEREAS, as the result of those collisions, there were 170 injuries, and

WHEREAS, in those cities where photo enforcement technology has been deployed, red light violations, traffic collisions and the resulting injuries and fatalities have been significantly reduced, and

WHEREAS, as part of a comprehensive traffic safety program, the Police Department, the Engineering and Transportation Department, and the Operations and Maintenance Department believe that the implementation of red light photo enforcement will significantly reduce the number of red light violations in the City of Modesto, and

WHEREAS, collisions resulting from red light violations will be reduced, thus providing the City with another valuable traffic calming tool to improve community and pedestrian safety, and

WHEREAS, the Council of the City of Modesto approved the issuance of a Request for Qualifications (RFQ) to prospective Automated Red Light Photo Enforcement vendors at its meeting of October 8, 2002, and

WHEREAS, in December of 2002 the Purchasing Division sent out an RFQ to seven (7) prospective vendors of automated red light camera systems, and

WHEREAS, out of the seven (7) vendors solicited, four (4) vendors submitted qualification proposals, and

WHEREAS, after reviewing the proposals three (3) vendors were selected to give presentations to the evaluation committee, and

WHEREAS, the committee comprised of City of Modesto staff, one City of Modesto Council Member, a City of Modesto citizen, and a member of the Stanislaus County District Attorney's Office carefully evaluated the responses based on the criteria contained in the RFQ, and

WHEREAS, that evaluation process included proposal evaluations, presentations, telephone interviews with references, and visitation to site references, and

WHEREAS, the committee selected Redflex Automated Red Light Camera technology for installation and use in the City of Modesto for the following reasons:

\*Redflex technology and the company's past performance in other cities came closest to fulfilling the original list of desired features the committee felt would be the best fit for Modesto,

\*The combination of digital photography and video, coupled with access via the Internet from any computer, including the courts, was very significant,

\*Redflex was the only vendor with this technology in place in California for the required 18 months prior to the RFQ, and

WHEREAS, this red light camera system is revenue neutral for the City of Modesto, and

WHEREAS, at its meeting of April 5, 2004 the Safety and Communities Committee unanimously recommended this action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the implementation of an Automated Red-Light Photo Enforcement program to augment the existing comprehensive traffic calming measures currently being utilized by the Modesto Police Department.

BE IT FURTHER RESOLVED that a five (5) year base contract with two (2) additional one (1) year contract extension options with Redflex Traffic Systems of Culver City, California for the design and installation of said Red Light Photo Enforcement equipment and all related maintenance services at up to ten (10) City designated intersections for a phased implementation plan is hereby approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager or his designee to execute the contract with Redflex Traffic Systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-302**

**A RESOLUTION APPROVING AND AUTHORIZING THE FILING OF A  
SECTION 5307 APPLICATION WITH THE FEDERAL TRANSIT  
ADMINISTRATION FOR PUBLIC TRANSIT OPERATING AND CAPITAL  
PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL  
GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS**

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the projects, and

WHEREAS, each year the City of Modesto submits a grant application for Section 5307 funds from the formula apportionment made available to the Modesto Urbanized area by the FTA, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Section 5307 Urban Area Formula Program Assistance for no more than \$2,503,541 for FY 2003-04, and

WHEREAS, the projects in the Section 5307 grant application are in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG November 12, 2003, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the city to provide the local share of the project costs, and

WHEREAS, the Economic Development Committee approved this request to file a Section 5307 application with the Federal Transit Administration at its meeting on May 10, 2004, and

WHEREAS, by a report to the Council dated May 17, 2004, from the Engineering and Transportation Department, City staff recommended submitting a grant application for \$2,530,541 in Section 5307 formula FTA funds to partially offset the operational and capital costs of the City's public transit program, a copy of said report is attached hereto and incorporated herein by reference, and

WHEREAS, the City Council conducted a duly noticed Public Hearing on June 8, 2004, in accordance with FTA regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the filing of the Section 5307 application is hereby approved, and the City Manager, or his designee, is hereby authorized to execute and file said application for Federal Section 5307 assistance on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United State Code, or other Federal statues authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the Federal Transit Administration requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute grant agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2004, by Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 –303**

**A RESOLUTION ACCEPTING THE 2004 *PUBLIC HEALTH GOALS REPORT* IN COMPLIANCE WITH TITLE 22 OF THE CALIFORNIA HEALTH AND SAFETY CODE.**

WHEREAS, Title 22 of the California Health and Safety Code requires that all large water system providers issue a *Consumer Confidence Report* on water quality standards in their service area, and

WHEREAS, said *Consumer Confidence Report* is required to be delivered to customers by July 1, 2004, and

WHEREAS, Title 22 of the California Health and Safety Code also requires all large water system providers to issue a *Public Health Goals Report* once every three years on exceedances of the Public Health Goals, and

WHEREAS, the water system providers are also mandated to hold a public hearing for comments regarding the *Public Health Goals Report*, a copy of which is on file in the office of the City Clerk, and

WHEREAS, said *Public Health Goals Report* has been prepared and the matter set for a public hearing to be held on June 8, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that following the receipt of public comment, and the 2004 *Public Health Goals Report* having been duly considered, said report is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of June, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-304**

**A RESOLUTION APPOINTING SAM PIERSTORFF AS THE POET  
LAUREATE OF THE CITY OF MODESTO FOR A TWO-YEAR TERM  
FROM JULY 1, 2004, THROUGH JUNE 30, 2006.**

WHEREAS, on July 13, 1993, by Resolution No. 93-412, the City Council established a non-salaried honorary position to be known as “The Poet Laureate of the City of Modesto”, and

WHEREAS, the Culture Commission has the responsibility for nominating and recommending appointments to the Poet Laureate position, and

WHEREAS, the purpose of a Poet Laureate is to present original poems at various official occasions, and

WHEREAS, a copy of the City of Modesto Policy regarding said non-salaried honorary Poet Laureate position is on file in the office of the City Clerk, and

WHEREAS, the Culture Commission met on May 3, 2004, and concluded that Sam Pierstorff met the criteria for fulfilling the obligations as Poet Laureate of the City of Modesto, and

WHEREAS, the Culture Commission recommended the appointment of Sam Pierstorff as Poet Laureate of the City of Modesto, and

WHEREAS, the Safety and Communities Committee met on June 2, 2004, and supported the Culture Commission’s recommendation to appoint Sam Pierstorff as the City of Modesto’s Poet Laureate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints Sam Pierstorff as the Poet Laureate of the City of Modesto from July 1, 2004, through June 30, 2006.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-305**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF EDWIN  
LOPES FROM THE EQUAL OPPORTUNITY/DISABILITY COMMISSION**

WHEREAS, EDWIN LOPES was appointed a member of the Equal  
Opportunity/Disability Commission on February 12, 2002; and

WHEREAS, EDWIN LOPES has tendered his resignation from the Equal  
Opportunity/Disability Commission, effective June 22, 2004; and

WHEREAS, EDWIN LOPES has been a devoted and sincere public servant and has  
contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of EDWIN LOPES from  
the Equal Opportunity/Disability Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own  
behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to  
EDWIN LOPES for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 22<sup>nd</sup> day of June, 2004, by Councilmember Jackman, who moved its  
adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried  
and the resolution adopted by the following vote:

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

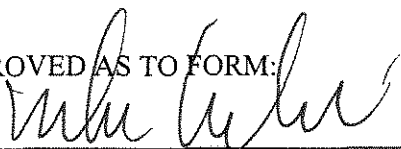
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-306**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR AUDIT SERVICES WITH MAZE & ASSOCIATES AT A COST NOT TO EXCEED \$5,155 FOR 2003 AUDIT WORK, \$17,126 FOR 2004 AUDIT WORK, \$17,656 FOR 2005 AUDIT WORK, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT.**

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

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

WHEREAS, the audit firm was required as part of its work to perform additional work for the 2003 Single Audit that was outside the scope of the original contract, at a price not to exceed \$5,155, and

WHEREAS, additional audit services are required in Fiscal Years 2004 and 2005, for two additional federal programs and two additional Community Facilities Districts, at respective additional annual costs of \$17,126 and \$17,656, and

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

WHEREAS, at its June 21, 2004, meeting the Audit Committee recommended that the Council approve payment for the additional work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the contract for audit services with Maze & Associates, authorizing the additional work proposed, at a cost not to exceed \$5,155 for Fiscal Year 2003, \$17,126 for Fiscal Year 2004, and, \$17,656 for 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-307**

**A RESOLUTION AMENDING POLICIES AND PROCEDURES FOR THE USE  
OF MELLO-ROOS COMMUNITY FACILITIES DISTRICTS**

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council adopted “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-405, adopted August 10, 1999, the City Council made certain amendments to its “Policies and Procedures” for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-500, adopted October 5, 1999, the City Council made certain amendments to its “Policies and Procedures” for the creation and

administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 2002-39, adopted on January 22, 2002, the City Council transferred the CFD administration function from the City Clerk and the City Attorney to the City Manager, and by the same Resolution the City Council made certain amendments to its Policies and Procedures for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 2004-172, adopted April 6, 2004, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, The City Council desires to further amend the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That the following definition be added to Section 2) Definitions:
  - k) City Manager. City Manager or his or her designee.
2. That Section 3) Application Process be amended to read as follows:
  - 3) Application Process.
    - a) Application. The applicant shall submit an application in the form attached hereto as Example "A", or as may be amended from time to time by the City Manager to the City together with a nonrefundable fee as set forth herein and amended from time to time. The fee is for the purpose of application processing, other preliminary costs, retention of appropriate consultants, and the compensation of staff

time devoted to the formation of the CFD.

- b) Project Review. Applicant and the CFD Formation Group may discuss the application including but not limited to further information that might be required and other issues as necessary. If necessary, the applicant may be required to submit a revised application. Once the application is accepted by the CFD Formation Group, it may be reviewed by City Finance personnel or City consultants to determine the adequacy of the proposed financing. CFD Formation Group may also forward the application to the City's engineering staff for determination that the application package is in fact both complete and practicable. Applicant and the CFD Formation Group may also conduct a face to face meeting between the applicant and the CFD Formation Group to "scope" the consultant work necessary to the formation of the CFD. However, the final authority to approve the scope of the consultant work to be performed in connection with the formation of any CFD and for the compensation of such services shall be solely within the authority of the CFD Formation Group.
- c) Project Initiation. The application is accepted by the CFD Formation Group and the CFD Formation Group receives contracts, reimbursement agreements, bond documents and other pertinent items for consideration by the City Council, as required.
- d) Costs Incurred By The City Prior To Formation. All costs incurred by the City prior to formation of the CFD, including but not limited to consultant costs (e.g. legal counsel, engineer firms, appraisers, special tax consultants, financial advisors), City staff and administrative costs and related expenses, cost of providing notices, printing and publication costs, and all expenses directly or indirectly relating to these items, shall be reimbursed to the City by the applicant prior to the completion of formation. The CFD Formation Group shall utilize timekeeping computer software, as such may be updated from time to time, to track billable hours in 1/10 hour increments attributable to CFD formation, amendment, annexation or other modification, and CFD administration. The timekeeping process will be used both to audit time spent as appropriate, and to generate bills to applicants for formation costs. Such bills shall also contain, in so far as practicable, costs or estimates of costs incurred by CFD group members in connection with CFD formation and/or CFD administration.

From time to time the CFD Formation Group will review and re-evaluate the City's fee/deposit requirements in light of the cost

results of recent CFD formations for the purpose of recommending modifications of excessively high or low fee/deposit charges as required. The initial such review shall occur in September 1998.

- e) Costs Incurred Prior To Bond Closing. If a CFD is formed, and if bonds are issued, the City may direct that all of its costs of formation be reimbursed from bond proceeds.
- f) Costs Incurred By The City Subsequent To Formation. All City administrative and consultant costs, including those of the District Administrator, related to administration of a CFD and incurred after formation shall be included within the special tax formula in accordance with applicable provisions of law.
- g) Formation Reimbursement To Applicant.
  - (1) Where CFD is Not Formed, or where CFD is Formed and Bonds are Not Issued. In the event that the CFD is not formed due to City disapproval or abandonment, or due to applicant abandonment, or due to nonpayment of any reimbursable fee, or the CFD is formed and bonds are not issued for any reason, the City will refund to the applicant any remaining unexpended and unobligated portion of advance deposits posted with the City, subject to the City's prior and full reimbursement of all of its direct and indirect costs. In the event that the applicant's advance deposit to the City is not sufficient to reimburse the City for all of its direct and indirect costs, the City will require an additional deposit by the applicant for the difference. The City shall be entitled to pay any refund to the applicant listed on the application form without interest, irrespective of any changes in the ownership or compensation of the applicant.
  - (2) Where CFD is Formed and Bonds are Issued. If the CFD is formed and bonds are issued, bond proceeds shall be used to defray all approved costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the CFD Formation Group in conjunction with Bond Counsel, and subject to any applicable restrictions contained in the Act as amended. With respect to applicant paid consultant costs, reimbursement shall be limited to those CFD-related consultant's hired by the City or those hired by the applicant and expressly approved by the City in writing. Eligibility for reimbursement of any otherwise-eligible expense is conditioned upon the applicant providing paid invoices therefore to the City, and the CFD Formation Group's approval thereof. The applicant shall not be entitled to reimbursement from

bond proceeds for any of the following reasons: interest expense incurred by the applicant during the planning or design of construction (subject to exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant which are not legally authorized for reimbursement, or as to which Bond Counsel has declined approval for reimbursement.

- (3) Pursuant to Government Code Section 53314.9, the City Council may enter into an agreement, by resolution, with a person or entity advancing funds or work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating a CFD, without interest, under all of the following conditions:
  - (a) The reimbursement proposal is included in the resolution of intention to establish the CFD and in the resolution of formation to establish the CFD, or in the resolution of consideration adopted pursuant to Government Code Section 53334.
  - (b) The proposed special tax or change in a special tax is approved by the qualified electors of the CFD, or in the event that the electors do not approve the proposed special tax or change in a special tax, the City shall return any funds which have not been committed for any authorized purpose at the time of the election.
  - (c) Any work-in-kind accepted pursuant to this paragraph shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority of, the City.
  - (d) Any reimbursement agreement entered into pursuant to this paragraph and Government Code Section 53314.9, shall not constitute a debt or liability of the City or of the District.

The reimbursement procedure specified in Government Code Section 53314.9 and incorporated in this paragraph may be utilized both in the case where the requesting person or entity owns all of the land within a proposed CFD, and in the case in which the requesting person or entity owns less than all of the land within the proposed CFD. In the later event, consideration will be given to setting forth two (2) or more tax districts within the CFD in order to facilitate reimbursement of the person or entity which paid more than its pro-rata share of the formation costs from the proceeds of one time special facilities taxes paid by landowners in the tax district or

districts that does/do not include the land owned by the person or entity that paid more than its prorata share of the CFD formation costs.

- (4) Where CFD is Formed and Bonds are Not Issued. With respect to advance formation fees pursuant to Paragraph 3.u. of these Policies and Procedures, any portion of such fee/deposit not paid out or obligated for the direct or indirect costs of CFD formation by the CFD Formation Group, may be further obligated by the CFD Formation Group based on its good faith estimate of the cost, including consultant costs, and other reasonable incidental costs as defined in the Act that may be incurred in the administration of the CFD during the period of time following its formation but prior to the City's receipt of sufficient annual maintenance special taxes to provide for appropriate administration of the CFD. The remaining fee/deposit not paid out or obligated for the direct or indirect costs of the CFD formation or administration by the CFD Formation Group shall be returned to the applicant within five (5) business days after the CFD Formation Group presents its written accounting and good faith estimate. The accounting and good faith estimate shall be prepared within thirty (30) days after the CFD is formed.
  
- (5) "Dollar for Dollar" Credit Against One-Time Facility Tax. Where the applicant makes a timely request that CFD formation costs be included in the cost of infrastructure for the purpose of computing taxes due under the Rate and Method of Apportionment and the final tax formulas, such CFD formation costs, including the initial fee/deposit, may be recovered by crediting such formation costs against facilities special taxes which would otherwise be due from the applicant from the time when such taxes would initially be due until the subject formation costs to be credited are exhausted by facilities special taxes incurred.
  
- h) Agreements Required. Applicant will be required to enter into all necessary agreements incident to CFD proceedings in a form provided by the City and consistent with these Policies and Procedures. These agreements may include, but not be limited to:
  - (1) Acquisition and Shortfall Agreement
  - (2) Advance Deposit Agreement
  - (3) Land Dedication Agreement (where required)
  - (4) Acquisition and Disclosure Agreement
  - (5) Disposition and Development Agreement (where required)
  - (6) Development Agreement

(7) Other agreements (as required)

As a condition of the issuance and sale of bonds, all of the agreements required by the City shall be duly approved and executed by the parties thereto. Prior to execution of any such agreements, the agreements shall be reviewed and approved by the City Attorney. They may also be reviewed by Bond Counsel and such other consultants as the City believes are appropriate.

- i) Land Use Approvals. All projects within the proposed CFD, together with the infrastructure and public facilities, must be consistent with the City's adopted General Plan and zoning classifications. All property within the proposed CFD must possess land use determinations or zoning classifications of sufficient certainty, and facility requirements of sufficient specificity that each parcel can be adequately assessed.
- j) Use of Consultants. The City shall employ any consultants necessary for the formation of a CFD, review of financing, the issuance and administration of bonds, including but not limited to underwriters and underwriter's counsel, Bond Counsel, Financial Advisor, special tax consultant, engineers, appraisers, market absorption study consultant, or any other consultant deemed necessary by the CFD Formation Group in its judgment to complete the CFD proceedings and/or for issuance of bonds. The cost reimbursement provisions of these Policies and Procedures shall apply to all costs and expenses incurred by the CFD Formation Group in employing such consultants. An applicant may retain its own consultants for its own benefit, but must work only through those consultants hired by the City. In the event the applicant retains its own consultants, all costs associated therewith shall be borne by the applicant, without reimbursement from bond proceeds unless expressly agreed in writing by the CFD Formation Group.
- k) Eligible Infrastructure and Public Facilities. Infrastructure and public facilities eligible for CFD financing are those public improvements which benefit properties within a proposed CFD and/or will mitigate impacts of that development upon areas of the City outside the proposed CFD, and which will be owned, operated and maintained by the City or another public agency expressly approved in writing by the City. Improvements which are or will be owned, operated or maintained by a private company or utility are not eligible, except for improvements to be owned by shareholder owned utility companies regulated by the California

Public Utilities Commission and which comprise less than five (5%) percent of the project. In-tract facilities, exactions, or other public right of way easements and/or lands which are dedicated by applicant as a condition of a development entitlement will not be eligible for bond financing, except if they are expressly allowed in a development agreement or other agreement between the City and the applicant.

- l) Bidding Process.
  - i) In retaining construction contractors for work which is reimburseable by a City of Modesto CFD and where the Acquisition and Shortfall Agreement (or other similar agreement) with the CFD is less than \$300,000.00, the developer shall abide by the following bid process:
    - (1) The developer shall provide three (3) competitive bids. If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the District Engineer. The District Engineer may allow this if the developer can provide adequate justification
    - (2) The developer shall insure that all contractors and subcontractors are licensed in accordance with sections 7000 through 7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed.
    - (3) In accordance with California Labor Code section 1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the District Engineer, Developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The CFD shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, Section 4.19, for the work performed unless the District Engineer authorizes the use of overtime or legal holiday time, in advance and in writing.
    - (4) The District Engineer shall retain the right to be in attendance to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the District Engineer in advance and in writing. In the case of an emergency, any such charges may

be authorized by the District Engineer if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

- (5) No permits shall be issued and no work shall commence until the developer and the District Administrator have executed an Acquisition and Shortfall Agreement for the improvements to be constructed.
- (6) The developer shall maintain certified payroll records for all labor costs incurred on all CFD reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the CFD or any state regulatory agency for review, audit, inspection or copying upon request.
- (7) Developer shall indemnify and hold the City and the CFD harmless for ensuring that the project is bid and constructed in accordance with City and CFD standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City and the CFD harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.
- (8) Developer may be reimbursed for design costs incurred prior to the execution of an Acquisition and Shortfall Agreement for completed and accepted, CFD-funded facilities as determined and approved by the CFD Administrator and the CFD Engineer.
- ii) In retaining construction contractors for work which is reimburseable by a City of Modesto CF and where the Acquisition and Shortfall Agreement (or other similar agreement) with the CFD is \$300,000.00 or greater, the developer shall abide by the following bid process:
  - (1) Using a bid package approved by the City, the developer shall advertise for bids in the appropriate newspapers and periodicals, including but not limited to the local Builders Exchange and the Modesto Bee. Bid opening shall be no sooner than 7 days after the initial publication.
  - (2) The bid package shall include, and be based upon, improvement

plans as stamped approved by the City Engineer or his or her designee ("City Engineer"), and the Community Facilities District Engineer or his or her designee ("District Engineer"). The bid package may not contain any alterations, deviations or exceptions to the improvement plans, unless the alteration, deviation or exception is approved in writing by the District Engineer and is advertised for a reasonable period prior to the bid opening.

- (3) The developer shall only accept bids using a bid proposal form approved by the City. The developer shall ensure that copies of the form are made available to prospective bidders at a local business office located within Stanislaus County during reasonable business hours throughout the bid advertising period. Contractors interested in submitting sealed bids for the project will be directed to do so on the approved form and at a specific date and time (e.g., at 9 a.m. on February 1, 2004, at the developer's place of business) . At this specified time, the District Engineer may be in attendance to receive the bid packages.
- (4) The bid packages will be opened immediately after the close of the specified time period. The bid opening shall be open to the public and may be in the presence of the District Engineer. All bids will be publicly announced at the bid opening. The developer will then begin the process of executing a contract with the lowest responsible bidder.

If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the District Engineer. The District Engineer may allow this if the developer can provide adequate justification.

- (5) The developer shall insure that all contractors and subcontractors are licensed in accordance with sections 7000 through 7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed.
- (6) In accordance with California Labor Code section 1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the District Engineer, Developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The CFD shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, Section 4.19,

for the work performed unless the District Engineer authorizes the use of overtime or legal holiday time, in advance and in writing.

- (7) The District Engineer shall retain the right to be in attendance to receive the bid package, or to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the District Engineer in advance and in writing. In the case of an emergency, any such charges may be authorized by the District Engineer if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.
- (8) No permits shall be issued and no work shall commence until the developer and the District Administrator have executed an Acquisition and Shortfall Agreement for the improvements to be constructed.
- (9) The developer shall maintain certified payroll records for all labor costs incurred on all CFD reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the CFD or any state regulatory agency for review, audit, inspection or copying upon request.
- (10) Developer shall indemnify and hold the City and the CFD harmless for ensuring that the project is bid and constructed in accordance with City and CFD standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City and the CFD harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.
- (11) Developer may be reimbursed for design costs incurred prior to the execution of an Acquisition and Shortfall Agreement for completed and accepted, CFD-funded facilities as determined and approved by the CFD Administrator and the CFD Engineer.
- m) Designation of Spokesperson. The applicant(s) owners requesting preparation of a petition for formation of a CFD, if more than one, shall designate a spokesperson for all of them. The

applicants' spokesperson shall be responsible for the following.

- (1) Advising joint applicants to contact him or her for answers to their questions concerning CFD matters.
- (2) Contacting appropriate City representatives to obtain answers to such questions as he or she is unable to answer. The appropriate City representatives are the members of the CFD Formation Group.
- (3) Informing joint applicants that any estimated cost figures supplied to them prior to the estimate contained in the public report, as preliminarily approved by the CFD Formation Group, must not be relied upon as necessarily precise.

n) Additional Advances. It is the policy of the City that applicants with properties improved through CFD proceedings pay all City and associated costs of such proceedings and other costs incurred in advance of CFD formation, or, in the case of the sale of bonds, before any bonds are sold. Therefore, with respect to all developer-initiated applications, if actual City costs exceed the amounts estimated below, the applicant will be required to advance additional monies to pay all costs incurred or to be incurred. Any failure to do so within ten (10) days of provision of written demand by the CFD Formation Group will be grounds for immediate termination of all activities by the CFD Formation Group, and by the consultants, if any, retained by the CFD Formation Group for the purpose of bond financing.

o) Boundary Map. A boundary map for each proposed CFD must be provided with the application. The boundary map should be provided in the following formats:

- (1) 18" x 26" Mylar
- (2) 8 ½ x 11" paper
- (3) PDF

Assessor's parcels maps may be compiled on which the project boundary and other required information are shown. The map must identify all Assessor's parcels within the project boundary and the boundary of the area being annexed must follow existing parcel lines. The map must be certified by a licensed civil engineer. The CFD number to be included in the map title and page numbers may be obtained from the CFD Formation Group.

p) Registered Voter/Property Owner Certification. Any CFD

election will be voted upon by property owners (one vote per acre) so long as there are fewer than twelve (12) registered voters residing within the proposed CFD area. The CFD Formation Group will not process registered voter elections absent special arrangements with the CFD proponent. Each of the property owners must designate a single proxy to cast their ballot. The civil engineer for the CFD applicant must verify the number of registered voters within the project and list all property owners showing APN and number of acres. The civil engineer must then file a certification suitable to the CFD Formation Group as part of the application package. This certification must be made within ninety (90) days prior to the hearing on the resolution of formation for the CFD.

- q) Waiver and Consent. The qualified electors (property owners) must file a waiver and consent document suitable to the CFD Formation Group waiving some of the statutory election requirements, particularly the time lines. With this waiver, the election may take place sooner than otherwise.
- r) Fiscal Feasibility Report. Prior to the formation of a CFD, a fiscal feasibility report may be required if a portion of the land within a CFD is substantially undeveloped. The report shall be prepared by or at the direction of the CFD Formation Group. All costs for preparing this report shall be borne by the applicant.
- s) Special Taxes and Assessments. The projected special tax, when added to the ad valorem property tax and other direct and overlapping debt for the proposed CFD (including other benefit assessments, special taxes levied for authorized but unissued debt, and any other anticipated special assessments, taxes or charges which may be included on a property owner's annual property tax bill), shall not exceed two (2%) percent of the projected assessed value of each improved parcel within the CFD. A backup special tax may be required to protect against changes in land use that may result in insufficient annual special tax revenues.
- t) Special Tax Formula. The maximum special tax submitted to the qualified voters of the CFD shall not exceed one (1%) percent of the projected assessed value of the developed properties at the time of full build out of CFD formation. Furthermore, the total of the following shall not exceed two (2%) percent of the projected assessed value of the subject properties
  - (1) Ad valorem property taxes levied by the City.

- (2) Voter approved ad valorem taxes levied by the City in excess of one (1%) percent of the assessed value.
- (3) Special taxes levied by any existing CFD for the payment of bonded indebtedness or ongoing services.
- (4) Assessments levied for any assessment district or maintenance district for the payment of bonded indebtedness or services.
- (5) The maximum special tax for the proposed CFD.

The maximum special tax formula shall adhere to the following requirements:

1. The maximum special tax shall be established when a developed parcel is first subject to the tax and shall include the annual administrative costs to the City to administer the CFD.
2. Concerning that portion of the tax restricted to generating funds for maintenance of facilities, the special tax formula shall not include escalator rates allowing annual tax increases above four (4%) percent per year for developed parcels.
3. The City shall have discretion to allow a special tax in excess of the two (2%) percent maximum tax burden limits for any commercial or industrial lands within the CFD.
4. Concerning that proportion of the tax restricted to generate funds for the payment of debt service, the special tax formula shall not include escalator rates allowing annual tax increases above two (2%) percent.
- u) CEQA Compliance. The CFD Formation Group shall be responsible for compliance with the California Environmental Quality Act with respect to each CFD formation analyzed or completed by it.
- v) Based on substantial evidence presented to the City Council, it is determined that advance deposits in the following sums must be received in all cases, whether reimbursable or not, prior to an applicant's application for a CFD being deemed complete by the CFD Formation Group.
- (1) A CFD is to be created at applicant's request and where bonds are

issued - \$64,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.

- (2) A CFD is to be created at applicant's request and where bonds are not to be issued - \$64,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
- (3) In the case of the creation of a "simple" annexation to an existing CFD, which does not require the preparation of a new public report, or the alteration of an existing Public Report or modification of any other CFD-related document for the existing CFD, and the annexation does not involve the sale of bonds - \$9,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
- (4) In the case of the creation of a "complex" annexation to an existing CFD, which requires an amendment to or modification of a Public Report or other CFD-related document, and the annexation does not require the sale of bond - \$20,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
- (5) In the event that a "registered" voter election is required, an additional amount over and above the previously mentioned fees may be incurred. The City Clerk will estimate the minimum time and material costs pertaining to such an election based on the facts known at the time the election becomes necessary, and payment of the estimated sum shall be required prior to initiation of such an election.
- (6) In the event that a "registered voter" election is both required and results in the nonformation/nonannexation of the subject CFD, the above-referenced fees and costs will not be refundable to the applicant save and except those amounts advanced by the applicant which are in excess of those obligated for the CFD Formation Group formation/annexation costs, consulting fees and other related expenses.

- w) Resolution of Intention. When a CFD application and all related documents have been completed, the appropriate fee has been paid, and the CFD Formation Group has agreed to place the matter of the formation/annexation of the pertinent CFD before the City Council, the vehicle for such placement shall be the "Resolution of Intention" as required by the Act. The City Council vote on the Resolution of Intention shall also be the City's final determination on the application. If the Resolution of Intention is approved, the CFD Formation Group will undertake the necessary steps to complete formation/annexation of the CFD, including, but not limited to, completion of appropriate contracts, legal documentation, bond documents, project schedule, and other pertinent items.
- x) Fiscal Year Planning. In the event that the fiscal year in which a CFD is commenced ends during the formation of the CFD, the Finance Department of the City shall carry forward any unused CFD funds to the next fiscal year in order to facilitate a smoothly continuous CFD formation/annexation process, and to permit prompt payment of ongoing expenditures.
- y) Fiscal Authority. The CFD Formation Group has the inherent authority to receive and to appropriate CFD revenue and to direct the Finance Department of the City of Modesto to establish a new fund for each new CFD formation/annexation.

3. That Section 4) a. Terms and Conditions of Bonds be amended to read as follows:

- 2) Terms and Conditions of Bonds.
  - a) All terms and conditions of bonds shall be established by the City. The City will control, manage and invest all CFD issued bond proceeds. Unless otherwise authorized by the City, the following shall serve as bond requirements:
    - (1) A debt service reserve fund equal to an amount not less than ten (10%) percent of the bond issue's par value, subject to federal tax regulations will be established.
    - (2) The special taxes shall be levied for the first fiscal year following sale of the bonds for which they may be levied. Unless otherwise agreed to by the City, interest shall not be funded (capitalized) beyond the earliest interest payment date for which sufficient special tax revenues will be available for payment of interest.

- (3) Beginning with the commencement of the repayment of principal, annual debt service may be level or may escalate up to a maximum of two (2%) percent per year.
  - (4) The maximum special tax shall be established to assure that the annual revenue produced by levy of the maximum special tax shall be equal to at least one hundred ten (110%) percent of the average annual debt service.
  - (5) The initial maximum annual administration requirement shall be no more than two (2%) percent of the par amount of the bonds but may escalate up to a maximum of two (2%) percent per year.
  - (6) Prior to the issuance of bonds, the City shall authorize its Bond Counsel to commence and process to final judgment an action establishing the validity of the proceedings, special tax and issuance of bonds, unless advised to the contrary by such Bond Counsel.
  - (7) In instances where multiple series of bonds are to be issued, the City shall make a final determination as to which public facilities are of the highest priority and those public facilities which will be financed first, pursuant to funding availability and the proposed timing of facilities development, and will be subject to the earliest or most senior lien except, when concerning land-secured financings if the City and applicant agree separately.
  - (8) The City may require that each new CFD bond issue refund any prior issues, if they exist on properties included in the CFD, in order to avoid subordinated liens. Instances where prior issues may not require refunding are:
    - (a) Where refunding of prior issues will result in higher interest costs;
    - (b) Where there can be assurance that prior liens may pose no marketing problems for the new CFD bonds; or
    - (c) Where refunding of prior issues may present future administrative difficulties to the City or other affected public entities.
4. That Section 4) h. (1) Credit Quality to be Required of Bond Issues be amended to read as follows:
- (1) Debt Service. Except for commercial or industrial property

financings with no residential components, debt service shall be substantially level throughout the life of the bond issue or shall escalate at a rate generally not greater than two (2%) percent per year. Phased bond issuance shall not result in increased debt service to existing residential homeowners. Unless determined to be specifically required, debt service shall not exceed thirty (30 years) from the date of bond issuance.

5. That Section 5) d. District Administrator be amended to read as follows:

- d) Take any and all actions necessary for prudent administration of all post-formation/post-annexation CFDs, including but not limited to the expenditure or allocation of District funds, in strict accordance with Section 53343 of the Mello-Roos Act of 1982 as it may be amended, so that any such funds shall only be allocated or expended for facilities and services authorized by the Act. This shall include but not be limited to, creation of and modification to the Capital Improvement Project (CIP) budgets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich  
MICHAEL MILICH, City Attorney

## CITY OF MODESTO

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### POLICIES & PROCEDURES FOR THE FORMATION, ANNEXATION, AND ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS CREATED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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*Adopted - September 3, 1996 (Resolution No. 96-501)*  
*Amended - October 8, 1996 (Resolution No. 96-545)*  
*Amended - March 24, 1998 (Resolution No. 98-164)*  
*Amended - April 7, 1998 (Resolution No. 98-186)*  
*Amended - June 2, 1998 (Resolution No. 98-301)*  
*Amended - September 8, 1998 (Resolution No. 98-483)*  
*Amended - August 10, 1999 (Resolution No. 99-405)*  
*Amended - October 12, 1999 (Resolution No. 99-500)*  
*Amended - January 22, 2002 (Resolution No. 2002-39)*  
*Amended - April 6, 2004 (Resolution No. 2004-172)*  
*Amended - June 22, 2004 (Resolution No. 2004-?)*

## CITY OF MODESTO

### POLICIES & PROCEDURES FOR THE FORMATION, ANNEXATION AND ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS CREATED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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#### 1) Introduction.

The following policies and procedures (“Policies and Procedures”) for the use of the Mello-Roos Community Facilities Act of 1982 (the “Act”) are established pursuant to Government Code Section 53312.7. These Policies and Procedures describe the application, formation, annexation, appropriate uses for and administration of any Community Facilities District (“CFD”) used to finance facilities or for the provision of allowable services.

The City of Modesto (the “City”) will consider developer or property-owner initiated applications requesting the formation of a CFD, and the possible issuance of bonds or the generation of revenues to finance eligible public facilities necessary to serve residential, commercial and/or industrial projects. The City may also establish CFDs which are initiated by the City. Priority in using CFD funding will be given to capital projects that are regional in nature and have the broadest possible benefit to the land uses included in the CFD. While it is the City’s intent to use the Act to provide for the financing of City-owned and operated infrastructure and services, projects of a regional nature may include facilities to be owned and operated by other public agencies. In any event, only regional or community serving public facilities which directly benefit the CFD, and the provision of services (if applicable) may be eligible for CFD funding.

The City shall make the final determination as to whether or not a proposed CFD shall proceed under the provisions of the Act. The City may confer with the applicant and its consultants to learn of any unique district requirements, such as regional-serving facilities or long term development phasing prior to making any such final determination.

The Act may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public improvements, or the provision of public services subject to the provisions of these Policies and Procedures and any subsequent amendments thereto, to the fullest extent permitted by the Act. The City shall use the Act to provide for the financing of City-owned and operated infrastructure and services, except as noted above.

The City will make the final determination whether or not the CFD will be a construction or acquisition district. All City and consultant costs incurred in the evaluation of CFD applications and the creation of CFDs must be paid in advance by the applicants in those instances where a CFD is initiated by a party or parties other than the City. However, the City may incur expenses for analyzing proposed districts where the City is the principal proponent of the CFD formation for financing of the CFD.

Expenses not legally reimbursable by the district shall be borne by the applicant. Both City costs and district consultant costs may be funded from bond proceeds.

For the purposes of reviewing activities undertaken pursuant to these Policies and Procedures, and to review proposed Mello-Roos financing, all relevant matters shall be referred to the Financial Policy Committee of the City Council.

2) Definitions.

- a) Acquisition District. A CFD formed to finance the acquisition of infrastructure or public facilities where the applicant will be reimbursed for eligible construction related costs by means of tax credits or otherwise.
- b) Amendment. A change, in any manner, to an adopted Public Report.
- c) Annexation. The addition of real property into a CFD which has already been formed, and for which a Public Report has already been prepared and adopted. "Annexation" in this context does not mean a change in organization as described in the Cortese-Knox Act of 1985 (Sections 56000 et seq., Division 3 of the Government Code).
- d) Applicant. Developer or landowner who initiates formation/annexation of a CFD.
- e) Bonds. Bonds authorized and issued under the Mello-Roos Community Facilities Act of 1982.
- f) Bond Counsel. Outside counsel retained by the City to assure compliance with applicable federal and State tax and other laws and regulations relating to public financing.
- g) Bond Underwriter. The investment banker(s) retained by the City to design, develop and execute the sale of bonds in the market place.
- h) Certificate of Completion: A written document provided to a facility provider by the District Engineer stating that the facility is complete and in good working order, and that the requirements of the facility acquisition agreement have been met.
- i) City. The City of Modesto.
- j) City Attorney. City Attorney of the City of Modesto or his or her designee.
- k) City Manager. City Manager or his or her designee.
- ~~l~~l) Community Facilities District (CFD). A special district formed pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 as amended, to finance specific public improvements or public services, and where properties within the CFD are levied a special tax in accordance with the rate and method of apportionment adopted as part of the district proceedings.
- ~~m~~m) Conclusion of Formation. The date a tax lien, for a specific CFD, is successfully recorded by the Stanislaus County Clerk Recorder.

- ~~m~~)n) Credit. An offset against tax owed, or cash reimbursement for tax paid, as appropriate, calculated by subtracting from the Facility Cost Estimate any non-prepaid costs or incidental costs as defined in the Mello Roos Act, Section 53317(c) and (e), by means of a cash administrative cost offset. The administrative offset may be specified in the public report.
- ~~n~~)o) CFD. A Community Facilities District created for the purpose of financing the costs of certain public facilities and services pursuant to the provisions of Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code.
- ~~o~~)p) CFD Team. An interdepartmental City working group consisting of a representative of the City Attorney's Office, the District Administrator and such other staff as the District Administrator may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.
- ~~p~~)q) District Administrator. A subgroup of the CFD Formation Group composed of a Deputy City Manager, selected by the City Manager. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law. The District Administrator shall also have the power to appoint an Acting District Administrator to serve in his or her absence.
- ~~q~~)r) District Engineer. A California registered professional engineer employed by the City of Modesto, or a City of Modesto CFD, who is responsible for making final engineering determinations on behalf of that CFD.
- ~~r~~)s) Facility. Any public works-type infrastructure for which tax is to be collected pursuant to the public report, which could be eligible for tax credit and is located within a CFD.
- ~~s~~)t) Facility Cost Estimate. The facility (or facility segment) cost estimate, including contingency cost estimates relating to that facility (or segment) which are included in the tax stated directly, or by reference, in the public report, as that report may be amended or adjusted for inflation from time to time.
- ~~t~~)u) Facility Provider: Any person or entity constructing a facility.
- ~~u~~)v) Fair Market Value, or Value. The amount of cash or its equivalent which property would bring if exposed for sale on the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other and both have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon uses and purposes.
- ~~v~~)w) Financial Advisor. Financial consultant retained by the City to review, comment and advise on financial matters relating to CFDs.
- ~~w~~)x) Fiscal Feasibility Report. A study performed under the direction of the City to

determine the financial viability of a proposed CFD.

~~x~~)y) Infrastructure and Public Facilities. Those public improvements including but not limited to major streets and arterials, highway improvements and freeways, freeway interchanges, right of way acquisitions, bridges, street lights, water, flood, sewer and drainage improvements, fire and police stations, parks, wetlands, telephone ducts, electrical conduits, libraries, transit improvements (including public parking facilities), and the provision of certain services (if applicable), that may be eligible for financing pursuant to these Policies and Procedures, and which are authorized improvements pursuant to provisions of the Mello-Roos Community Facilities Act of 1982 ("Act").

~~y~~)z) In-tract Facilities. Infrastructure and public facilities which serve an individual CFD, such as local subdivision streets, local utilities and local drainage systems. Not all such infrastructure and public facilities may actually be located within the boundaries of the CFD. (Possible example: drainage system).

~~z~~)aa) Oversubscription. Oversubscription is the furnishing of land or facilities whose total value as set forth in the public report exceeds the total taxes attributable to a facility provider's entire development within a CFD.

~~aa~~)bb) Public Report. A report generally containing the following:

- (1) A description of the public capital facilities and services proposed for the CFD.
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the CFD.
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the CFD and the costs of any incidental expenses to be paid by the CFD.
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed CFD to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.
- (6) All exhibits and attachments to the resolution of formation of a CFD, and documents included therein by reference.

~~bb~~)cc) Special Tax Consultant. A consultant retained by the City to develop the rate and method of apportionment and other special tax formulas and criteria for a Mello-Roos CFD.

~~cc~~)dd) Tax: Any facilities special tax specified in the public report for the CFD.

~~dd~~)ee) Value-to-Lien Ratio. The value of a parcel of land as determined by an MAI appraisal relative to the amount for which land secured bonds may be sold for the parcel.

3) Application Process.

- a) Application. The applicant shall submit an application in the form attached hereto as Example "A", or as may be amended from time to time by the City Manager to the City together with a nonrefundable fee as set forth herein and amended from time to time. The fee is for the purpose of application processing, other preliminary costs, retention of appropriate consultants, and the compensation of staff time devoted to the formation of the CFD.
  
- b) Project Review. Applicant and the CFD Formation Group may discuss the application including but not limited to further information that might be required and other issues as necessary. If necessary, the applicant may be required to submit a revised application. Once the application is accepted by the CFD Formation Group, it may be reviewed by City Finance personnel or City consultants to determine the adequacy of the proposed financing. CFD Formation Group may also forward the application to the City's engineering staff for determination that the application package is in fact both complete and practicable. Applicant and the CFD Formation Group may also conduct a face to face meeting between the applicant and the CFD Formation Group to "scope" the consultant work necessary to the formation of the CFD. However, the final authority to approve the scope of the consultant work to be performed in connection with the formation of any CFD and for the compensation of such services shall be solely within the authority of the CFD Formation Group.
  
- c) Project Initiation. The application is accepted by the CFD Formation Group and the CFD Formation Group receives contracts, reimbursement agreements, bond documents and other pertinent items for consideration by the City Council, as required.
  
- d) Costs Incurred By The City Prior To Formation. All costs incurred by the City prior to formation of the CFD, including but not limited to consultant costs (e.g. legal counsel, engineer firms, appraisers, special tax consultants, financial advisors), City staff and administrative costs and related expenses, cost of providing notices, printing and publication costs, and all expenses directly or indirectly relating to these items, shall be reimbursed to the City by the applicant prior to the completion of formation. The CFD Formation Group shall utilize timekeeping computer software, as such may be updated from time to time, to track billable hours in 1/10 hour increments attributable to CFD formation, amendment, annexation or other modification, and CFD administration. The timekeeping process will be used both to audit time spent as appropriate, and to generate bills to applicants for formation costs. Such bills shall also contain, in so far as practicable, costs or estimates of costs incurred by CFD group members in connection with CFD formation and/or CFD administration.

From time to time the CFD Formation Group will review and re-evaluate the City's fee/deposit requirements in light of the cost results of recent CFD formations for

the purpose of recommending modifications of excessively high or low fee/deposit charges as required. The initial such review shall occur in September 1998.

- e) Costs Incurred Prior To Bond Closing. If a CFD is formed, and if bonds are issued, the City may direct that all of its costs of formation be reimbursed from bond proceeds.
- f) Costs Incurred By The City Subsequent To Formation. All City administrative and consultant costs, including those of the District Administrator, related to administration of a CFD and incurred after formation shall be included within the special tax formula in accordance with applicable provisions of law.
- g) Formation Reimbursement To Applicant.
  - (1) Where CFD is Not Formed, or where CFD is Formed and Bonds are Not Issued. In the event that the CFD is not formed due to City disapproval or abandonment, or due to applicant abandonment, or due to nonpayment of any reimbursable fee, or the CFD is formed and bonds are not issued for any reason, the City will refund to the applicant any remaining unexpended and unobligated portion of advance deposits posted with the City, subject to the City's prior and full reimbursement of all of its direct and indirect costs. In the event that the applicant's advance deposit to the City is not sufficient to reimburse the City for all of its direct and indirect costs, the City will require an additional deposit by the applicant for the difference. The City shall be entitled to pay any refund to the applicant listed on the application form without interest, irrespective of any changes in the ownership or compensation of the applicant.
  - (2) Where CFD is Formed and Bonds are Issued. If the CFD is formed and bonds are issued, bond proceeds shall be used to defray all approved costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the CFD Formation Group in conjunction with Bond Counsel, and subject to any applicable restrictions contained in the Act as amended. With respect to applicant paid consultant costs, reimbursement shall be limited to those CFD-related consultant's hired by the City or those hired by the applicant and expressly approved by the City in writing. Eligibility for reimbursement of any otherwise-eligible expense is conditioned upon the applicant providing paid invoices therefore to the City, and the CFD Formation Group's approval thereof. The applicant shall not be entitled to reimbursement from bond proceeds for any of the following reasons: interest expense incurred by the applicant during the planning or design of construction (subject to exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant which are not legally authorized for reimbursement, or as to which Bond Counsel has declined approval for reimbursement.
  - (3) Pursuant to Government Code Section 53314.9, the City Council may enter into an agreement, by resolution, with a person or entity advancing funds or work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating a CFD, without interest, under all of the following conditions:

- (a) The reimbursement proposal is included in the resolution of intention to establish the CFD and in the resolution of formation to establish the CFD, or in the resolution of consideration adopted pursuant to Government Code Section 53334.
- (b) The proposed special tax or change in a special tax is approved by the qualified electors of the CFD, or in the event that the electors do not approve the proposed special tax or change in a special tax, the City shall return any funds which have not been committed for any authorized purpose at the time of the election.
- (c) Any work-in-kind accepted pursuant to this paragraph shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority of, the City.
- (d) Any reimbursement agreement entered into pursuant to this paragraph and Government Code Section 53314.9, shall not constitute a debt or liability of the City or of the District.

The reimbursement procedure specified in Government Code Section 53314.9 and incorporated in this paragraph may be utilized both in the case where the requesting person or entity owns all of the land within a proposed CFD, and in the case in which the requesting person or entity owns less than all of the land within the proposed CFD. In the later event, consideration will be given to setting forth two (2) or more tax districts within the CFD in order to facilitate reimbursement of the person or entity which paid more than its pro-rata share of the formation costs from the proceeds of one time special facilities taxes paid by landowners in the tax district or districts that does/do not include the land owned by the person or entity that paid more than its prorata share of the CFD formation costs.

- (4) Where CFD is Formed and Bonds are Not Issued. With respect to advance formation fees pursuant to Paragraph 3.u. of these Policies and Procedures, any portion of such fee/deposit not paid out or obligated for the direct or indirect costs of CFD formation by the CFD Formation Group, may be further obligated by the CFD Formation Group based on its good faith estimate of the cost, including consultant costs, and other reasonable incidental costs as defined in the Act that may be incurred in the administration of the CFD during the period of time following its formation but prior to the City's receipt of sufficient annual maintenance special taxes to provide for appropriate administration of the CFD. The remaining fee/deposit not paid out or obligated for the direct or indirect costs of the CFD formation or administration by the CFD Formation Group shall be returned to the applicant within five (5) business days after the CFD Formation Group presents its written accounting and good faith estimate. The accounting and good faith estimate shall be prepared within thirty (30) days after the CFD is formed.

- (5) “Dollar for Dollar” Credit Against One-Time Facility Tax. Where the applicant makes a timely request that CFD formation costs be included in the cost of infrastructure for the purpose of computing taxes due under the Rate and Method of Apportionment and the final tax formulas, such CFD formation costs, including the initial fee/deposit, may be recovered by crediting such formation costs against facilities special taxes which would otherwise be due from the applicant from the time when such taxes would initially be due until the subject formation costs to be credited are exhausted by facilities special taxes incurred.
- h) Agreements Required. Applicant will be required to enter into all necessary agreements incident to CFD proceedings in a form provided by the City and consistent with these Policies and Procedures. These agreements may include, but not be limited to:
- (1) Acquisition and Shortfall Agreement
  - (2) Advance Deposit Agreement
  - (3) Land Dedication Agreement (where required)
  - (4) Acquisition and Disclosure Agreement
  - (5) Disposition and Development Agreement (where required)
  - (6) Development Agreement
  - (7) Other agreements (as required)

As a condition of the issuance and sale of bonds, all of the agreements required by the City shall be duly approved and executed by the parties thereto. Prior to execution of any such agreements, the agreements shall be reviewed and approved by the City Attorney. They may also be reviewed by Bond Counsel and such other consultants as the City believes are appropriate.

- i) Land Use Approvals. All projects within the proposed CFD, together with the infrastructure and public facilities, must be consistent with the City’s adopted General Plan and zoning classifications. All property within the proposed CFD must possess land use determinations or zoning classifications of sufficient certainty, and facility requirements of sufficient specificity that each parcel can be adequately assessed.
- j) Use of Consultants. The City shall employ any consultants necessary for the formation of a CFD, review of financing, the issuance and administration of bonds, including but not limited to underwriters and underwriter’s counsel, Bond Counsel, Financial Advisor, special tax consultant, engineers, appraisers, market absorption study consultant, or any other consultant deemed necessary by the CFD Formation Group in its judgment to complete the CFD proceedings and/or for issuance of bonds. The cost reimbursement provisions of these Policies and Procedures shall apply to all costs and expenses incurred by the CFD Formation Group in employing such consultants. An applicant may retain its own consultants for its own benefit, but must work only through those consultants hired by the City. In the event the applicant retains its own consultants, all costs associated therewith shall be borne by the applicant, without reimbursement from bond proceeds unless expressly agreed in writing by the CFD Formation Group.
- k) Eligible Infrastructure and Public Facilities. Infrastructure and public facilities eligible for

CFD financing are those public improvements which benefit properties within a proposed CFD and/or will mitigate impacts of that development upon areas of the City outside the proposed CFD, and which will be owned, operated and maintained by the City or another public agency expressly approved in writing by the City. Improvements which are or will be owned, operated or maintained by a private company or utility are not eligible, except for improvements to be owned by shareholder owned utility companies regulated by the California Public Utilities Commission and which comprise less than five (5%) percent of the project. In-tract facilities, exactions, or other public right of way easements and/or lands which are dedicated by applicant as a condition of a development entitlement will not be eligible for bond financing, except if they are expressly allowed in a development agreement or other agreement between the City and the applicant.

1) Bidding Process.

i) In retaining construction contractors for work which is reimburseable by a City of Modesto CFD and where the Acquisition and Shortfall Agreement (or other similar agreement) with the CFD is less than \$300,000.00, the developer shall abide by the following bid process:

- (1) The developer shall provide three (3) competitive bids. If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the District Engineer. The District Engineer may allow this if the developer can provide adequate justification
- (2) The developer shall insure that all contractors and subcontractors are licensed in accordance with sections 7000 through 7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed.
- (3) In accordance with California Labor Code section 1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the District Engineer, Developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The CFD shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, Section 4.19, for the work performed unless the District Engineer authorizes the use of overtime or legal holiday time, in advance and in writing.
- (4) The District Engineer shall retain the right to be in attendance to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the District Engineer in advance and in writing. In the case of an emergency, any such charges may be

authorized by the District Engineer if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

- (5) No permits shall be issued and no work shall commence until the developer and the District Administrator have executed an Acquisition and Shortfall Agreement for the improvements to be constructed.
  - (6) The developer shall maintain certified payroll records for all labor costs incurred on all CFD reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the CFD or any state regulatory agency for review, audit, inspection or copying upon request.
  - (7) Developer shall indemnify and hold the City and the CFD harmless for ensuring that the project is bid and constructed in accordance with City and CFD standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City and the CFD harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.
  - (8) Developer may be reimbursed for design costs incurred prior to the execution of an Acquisition and Shortfall Agreement for completed and accepted, CFD-funded facilities as determined and approved by the CFD Administrator and the CFD Engineer.
- ii) In retaining construction contractors for work which is reimburseable by a City of Modesto CF and where the Acquisition and Shortfall Agreement (or other similar agreement) with the CFD is \$300,000.00 or greater, the developer shall abide by the following bid process:
- (1) Using a bid package approved by the City, the developer shall advertise for bids in the appropriate newspapers and periodicals, including but not limited to the local Builders Exchange and the Modesto Bee. Bid opening shall be no sooner than 7 days after the initial publication.
  - (2) The bid package shall include, and be based upon, improvement plans as stamped approved by the City Engineer or his or her designee ("City Engineer"), and the Community Facilities District Engineer or his or her designee ("District Engineer"). The bid package may not contain any alterations, deviations or exceptions to the improvement plans, unless the alteration, deviation or exception is approved in writing by the District Engineer and is advertised for a reasonable period prior to the bid opening.

- (3) The developer shall only accept bids using a bid proposal form approved by the City. The developer shall ensure that copies of the form are made available to prospective bidders at a local business office located within Stanislaus County during reasonable business hours throughout the bid advertising period. Contractors interested in submitting sealed bids for the project will be directed to do so on the approved form and at a specific date and time (e.g., at 9 a.m. on February 1, 2004, at the developer's place of business) . At this specified time, the District Engineer may be in attendance to receive the bid packages.
- (4) The bid packages will be opened immediately after the close of the specified time period. The bid opening shall be open to the public and may be in the presence of the District Engineer. All bids will be publicly announced at the bid opening. The developer will then begin the process of executing a contract with the lowest responsible bidder.

If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the District Engineer. The District Engineer may allow this if the developer can provide adequate justification.

- (5) The developer shall insure that all contractors and subcontractors are licensed in accordance with sections 7000 through 7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed.
- (6) In accordance with California Labor Code section 1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the District Engineer, Developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The CFD shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, Section 4.19, for the work performed unless the District Engineer authorizes the use of overtime or legal holiday time, in advance and in writing.
- (7) The District Engineer shall retain the right to be in attendance to receive the bid package, or to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the District Engineer in advance and in writing. In the case of an emergency, any such charges may be authorized by the District Engineer if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be

provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

- (8) No permits shall be issued and no work shall commence until the developer and the District Administrator have executed an Acquisition and Shortfall Agreement for the improvements to be constructed.
  - (9) The developer shall maintain certified payroll records for all labor costs incurred on all CFD reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the CFD or any state regulatory agency for review, audit, inspection or copying upon request.
  - (10) Developer shall indemnify and hold the City and the CFD harmless for ensuring that the project is bid and constructed in accordance with City and CFD standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City and the CFD harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.
  - (11) Developer may be reimbursed for design costs incurred prior to the execution of an Acquisition and Shortfall Agreement for completed and accepted, CFD-funded facilities as determined and approved by the CFD Administrator and the CFD Engineer.
- m) Designation of Spokesperson. The applicant(s) owners requesting preparation of a petition for formation of a CFD, if more than one, shall designate a spokesperson for all of them. The applicants' spokesperson shall be responsible for the following.
- (1) Advising joint applicants to contact him or her for answers to their questions concerning CFD matters.
  - (2) Contacting appropriate City representatives to obtain answers to such questions as he or she is unable to answer. The appropriate City representatives are the members of the CFD Formation Group.
  - (3) Informing joint applicants that any estimated cost figures supplied to them prior to the estimate contained in the public report, as preliminarily approved by the CFD Formation Group, must not be relied upon as necessarily precise.
- n) Additional Advances. It is the policy of the City that applicants with properties improved through CFD proceedings pay all City and associated costs of such proceedings and other costs incurred in advance of CFD formation, or, in the case of the sale of bonds, before any bonds are sold. Therefore, with respect to all developer-initiated applications, if actual City costs exceed the amounts estimated below, the applicant will be required to advance additional monies to pay all costs incurred or to be incurred. Any failure to do so within ten

(10) days of provision of written demand by the CFD Formation Group will be grounds for immediate termination of all activities by the CFD Formation Group, and by the consultants, if any, retained by the CFD Formation Group for the purpose of bond financing.

- o) Boundary Map. A boundary map for each proposed CFD must be provided with the application. The boundary map should be provided in the following formats:

- (1) 18" x 26" Mylar ~~and three blue lined copies~~
- (2) 8 ½ x 11" paper
- (3) PDF

Assessor's parcels maps may be compiled on which the project boundary and other required information are shown. The map must identify all Assessor's parcels within the project boundary and the boundary of the area being annexed must follow existing parcel lines. The map must be certified by a licensed civil engineer. The CFD number to be included in the map title and page numbers may be obtained from the CFD Formation Group.

- p) Registered Voter/Property Owner Certification. Any CFD election will be voted upon by property owners (one vote per acre) so long as there are fewer than twelve (12) registered voters residing within the proposed CFD area. The CFD Formation Group will not process registered voter elections absent special arrangements with the CFD proponent. Each of the property owners must designate a single proxy to cast their ballot. The civil engineer for the CFD applicant must verify the number of registered voters within the project and list all property owners showing APN and number of acres. The civil engineer must then file a certification suitable to the CFD Formation Group as part of the application package. This certification must be made within ninety (90) days prior to the hearing on the resolution of formation for the CFD.
- q) Waiver and Consent. The qualified electors (property owners) must file a waiver and consent document suitable to the CFD Formation Group waiving some of the statutory election requirements, particularly the time lines. With this waiver, the election may take place sooner than otherwise.
- r) Fiscal Feasibility Report. Prior to the formation of a CFD, a fiscal feasibility report may be required if a portion of the land within a CFD is substantially undeveloped. The report shall be prepared by or at the direction of the CFD Formation Group. All costs for preparing this report shall be borne by the applicant.
- s) Special Taxes and Assessments. The projected special tax, when added to the ad valorem property tax and other direct and overlapping debt for the proposed CFD (including other benefit assessments, special taxes levied for authorized but unissued debt, and any other anticipated special assessments, taxes or charges which may be included on a property owner's annual property tax bill), shall not exceed two (2%) percent of the projected assessed value of each improved parcel within the CFD. A backup special tax may be required to protect against changes in land use that may result in insufficient annual special

tax revenues.

- t) Special Tax Formula. The maximum special tax submitted to the qualified voters of the CFD shall not exceed one (1%) percent of the projected assessed value of the developed properties at the time of full build out of CFD formation. Furthermore, the total of the following shall not exceed two (2%) percent of the projected assessed value of the subject properties
- (1) Ad valorem property taxes levied by the City.
  - (2) Voter approved ad valorem taxes levied by the City in excess of one (1%) percent of the assessed value.
  - (3) Special taxes levied by any existing CFD for the payment of bonded indebtedness or ongoing services.
  - (4) Assessments levied for any assessment district or maintenance district for the payment of bonded indebtedness or services.
  - (5) The maximum special tax for the proposed CFD.

The maximum special tax formula shall adhere to the following requirements:

1. The maximum special tax shall be established when a developed parcel is first subject to the tax and shall include the annual administrative costs to the City to administer the CFD.
  2. Concerning that portion of the tax restricted to generating funds for maintenance of facilities, the special tax formula shall not include escalator rates allowing annual tax increases above four (4%) percent per year for developed parcels.
  3. The City shall have discretion to allow a special tax in excess of the two (2%) percent maximum tax burden limits for any commercial or industrial lands within the CFD.
  4. Concerning that proportion of the tax restricted to generate funds for the payment of debt service, the special tax formula shall not include escalator rates allowing annual tax increases above two (2%) percent.
- u) CEQA Compliance. The CFD Formation Group shall be responsible for compliance with the California Environmental Quality Act with respect to each CFD formation analyzed or completed by it.
- v) Based on substantial evidence presented to the City Council, it is determined that advance deposits in the following sums must be received in all cases, whether reimbursable or not, prior to an applicant's application for a CFD being deemed complete by the CFD Formation

Group.

- (1) A CFD is to be created at applicant's request and where bonds are issued - \$64,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
  - (2) A CFD is to be created at applicant's request and where bonds are not to be issued - \$64,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
  - (3) In the case of the creation of a "simple" annexation to an existing CFD, which does not require the preparation of a new public report, or the alteration of an existing Public Report or modification of any other CFD-related document for the existing CFD, and the annexation does not involve the sale of bonds - \$9,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
  - (4) In the case of the creation of a "complex" annexation to an existing CFD, which requires an amendment to or modification of a Public Report or other CFD-related document, and the annexation does not require the sale of bond - \$20,500.00. The Developer shall make additional advances to the City within ten (10) days following receipt from the City of a request for an additional advance to cover the costs referred to herein.
  - (5) In the event that a "registered" voter election is required, an additional amount over and above the previously mentioned fees may be incurred. The City Clerk will estimate the minimum time and material costs pertaining to such an election based on the facts known at the time the election becomes necessary, and payment of the estimated sum shall be required prior to initiation of such an election.
  - (6) In the event that a "registered voter" election is both required and results in the nonformation/nonannexation of the subject CFD, the above-referenced fees and costs will not be refundable to the applicant save and except those amounts advanced by the applicant which are in excess of those obligated for the CFD Formation Group formation/annexation costs, consulting fees and other related expenses.
- w) Resolution of Intention. When a CFD application and all related documents have been completed, the appropriate fee has been paid, and the CFD Formation Group has agreed to place the matter of the formation/annexation of the pertinent CFD before the City Council, the vehicle for such placement shall be the "Resolution of Intention" as required by the Act. The City Council vote on the Resolution of Intention shall also be the City's final determination on the application. If the Resolution of Intention is approved, the CFD Formation Group will undertake the necessary steps to complete formation/annexation of

the CFD, including, but not limited to, completion of appropriate contracts, legal documentation, bond documents, project schedule, and other pertinent items.

- x) Fiscal Year Planning. In the event that the fiscal year in which a CFD is commenced ends during the formation of the CFD, the Finance Department of the City shall carry forward any unused CFD funds to the next fiscal year in order to facilitate a smoothly continuous CFD formation/annexation process, and to permit prompt payment of ongoing expenditures.
- y) Fiscal Authority. The CFD Formation Group has the inherent authority to receive and to appropriate CFD revenue and to direct the Finance Department of the City of Modesto to establish a new fund for each new CFD formation/annexation.

4) Terms and Conditions of Bonds.

- a) All terms and conditions of bonds shall be established by the City. The City will control, manage and invest all CFD issued bond proceeds. Unless otherwise authorized by the City, the following shall serve as bond requirements:
  - (1) A debt service reserve fund equal to an amount not less than ten (10%) percent of the bond issue's par value, subject to federal tax regulations will be established.
  - (2) The special taxes shall be levied for the first fiscal year following sale of the bonds for which they may be levied. Unless otherwise agreed to by the City, interest shall not be funded (capitalized) beyond the earliest interest payment date for which sufficient special tax revenues will be available for payment of interest.
  - (3) Beginning with the commencement of the repayment of principal, annual debt service may be level or may escalate up to a maximum of two (2%) percent per year.
  - (4) The maximum special tax shall be established to assure that the annual revenue produced by levy of the maximum special tax shall be equal to at least one hundred ten (110%) percent of the average annual debt service.
  - (5) The initial maximum annual administration requirement shall be no more than two (2%) percent of the par amount of the bonds but may escalate up to a maximum of two (2%) percent per year.
  - ~~(5)~~(6) Prior to the issuance of bonds, the City shall authorize its Bond Council to commence and process to final judgment an action establishing the validity of the proceedings, special tax and issuance of bonds, unless advised to the contrary by such Bond Council.
  - ~~(6)~~(7) In instances where multiple series of bonds are to be issued, the City shall make a final determination as to which public facilities are of the highest priority and those public facilities which will be financed first, pursuant to funding availability and the proposed timing of facilities development, and will be subject to the earliest

or most senior lien except, when concerning land-secured financings if the City and applicant agree separately.

~~(7)~~(8) \_\_\_\_\_ The City may require that each new CFD bond issue refund any prior issues, if they exist on properties included in the CFD, in order to avoid subordinated liens. Instances where prior issues may not require refunding are:

- (a) Where refunding of prior issues will result in higher interest costs;
- (b) Where there can be assurance that prior liens may pose no marketing problems for the new CFD bonds; or
- (c) Where refunding of prior issues may present future administrative difficulties to the City or other affected public entities.

b) Security and Credit Enhancement.

- (1) Financial Plan. Prior to City Council approval of the CFD, the applicant must submit a financial plan which demonstrates to the City's satisfaction the applicant's ability to pay all assessments and/or special taxes through build out of the project.
- (2) Credit Enhancement. In general, where credit enhancement is required for the bond issue as a whole, in the opinion of the City, the applicant shall provide such enhancement in such form as is approved by the City and the underwriters. Such enhancement may, for example, be required in cases where the value-to-lien ratio for property within the CFD is sufficient, and may take the form of letter of credit, policies of insurance, or other vehicles.
- (3) Letter of Credit Requirements. In general, the following requirements apply to letters of credit.
  - (a) The term shall be at least one (1) year, with automatic renewal unless canceled in writing by City.
  - (b) The amount the applicant is required to post shall be determined by the City.
  - (c) The letter of credit must be posted with the City in final form, properly authorized and executed, prior to Council authorization to issue bonds for the CFD. Irrevocable credit commitments, commitment letters, in-lieu letter of credit guarantee forms, or other similar instruments, will not be accepted.
  - (d) The letter of credit shall be irrevocable, and issued for the benefit of the City.
  - (e) The issuer of any Letter of Credit or other credit enhancement shall be a bank legally operating within the State of California, and which has a Thompson Bank Watch rating of "C" or higher, or an equivalent rating by any other nationally recognized financial institution rating agency, and whose letters of credit are

deemed marketable by the City for public financing purposes.

- (f) The City reserves the right to consider other forms of credit enhancement or bond guarantee which are determined by the City, in its sole discretion, to be a lawful and adequate substitute for a letter of credit.

c) Value-to-Lien Ratios.

- (1) If the value-to-lien ratio is 3:1 or greater for the entire CFD and if there is a value-to-lien ratio of 3:1 on at least ninety (90%) percent of vacant land in the CFD, the City may not require letters of credit or other security to secure payment of the special taxes to be levied annually on properties within the CFD.
- (2) If the value-to-lien ratio is less than 3:1 for the CFD as a whole or on at least ninety (90%) percent of vacant land in the CFD, the City may require either letters of credit or other security (assigned deposits, deposits to escrow) to secure payment of the special taxes/special assessments on properties within the CFD or may elect to abandon the CFD.

- d) Market Absorption Study. The City in its discretion may require and may employ a consultant for the purpose of conducting a market absorption study. The study, if required, shall include and estimate the total number of units, land uses and rate of absorption, and will be used as a basis for verification that sufficient revenues can be generated, and to determine if the financing of the infrastructure and public facilities is appropriate given the projected level and pace of development.

- e) Disclosure Requirements. The applicant shall be responsible for compliance with all applicable federal and state statutory disclosure requirements, as well as any additional City requirements, in transactions with purchasers of properties with the CFD.

- f) Continuing Disclosure. The developer will comply with federal and State securities laws and SEC Rule 15c 2-12 requirements concerning secondary market disclosure as those requirements are interpreted by the City and its counsel.

- g) Refunding. The City will analyze outstanding bond issues for refunding opportunities. In addition, the City will accept refunding proposals from underwriting firms and financial advisors which the City will then analyze and verify. The City will refund outstanding bond issues if:

- (1) The refunding will generate at least five (5%) percent net present value savings; or
- (2) There is another reason the City determines is compelling enough to complete a refunding (e.g. for the purpose of changing onerous legal requirements in a previous bond indenture or resolution).

- h) Credit Quality to be Required of Bond Issues.

- (1) Debt Service. Except for commercial or industrial property financings with no residential components, debt service shall be substantially level throughout the life of the bond issue or shall escalate at a rate generally not greater than two (2%) percent per year. Phased bond issuance shall not result in increased debt service to existing residential homeowners. Unless determined to be specifically required, debt service shall not exceed ~~twenty-five~~<sup>thirty</sup> ~~(25)~~<sup>(30)</sup> years) from the date of bond issuance
- (2) Bond Redemptions. Maximum redemption premiums shall not exceed three percent (3%). Call protection provisions shall not exceed ten (10) years and no provision shall be made to restrict the ability of the City to refund any bond issue. Consideration shall be given to allowing redemption of bonds at par (without premium) with surplus construction funds, or from the prepayment of the special tax. Provision shall be made to allow the City to purchase bonds on the open market at par plus accrued interest, in lieu of redemption of bonds.
- (3) Reserve Funds. A reserve fund shall be required (unless specifically exempted for cause) for every land-secured financing. The City will consider the substitution of other security, such as a letter of credit, for monies in the reserve fund. The reserve fund will be sized by the City with the advice of the financing team, and, for tax-exempt financings, will not exceed the maximum prescribed by applicable federal tax law. Reserve fund earnings beyond maximum reserve fund size should be used to credit debt service and may be used to pay applicable rebate obligations under federal tax law. (The City may also determine to permit such reserve fund earnings to be transferred to the construction fund until the project is completed.)
- (4) Capitalized Interest. The City, with the advice of the financing team, will determine, on a case by case basis, the amount of capitalized interest for a particular financing. The amount of such interest will be determined based on factors such as the length of the construction period, the earliest date upon which tax roll collection may commence and the amount such interest will add to the total amount of the financing, taking into account the restrictions on value to lien expressed herein, the ability of the owner(s) to defray the debt service, and applicable provisions of the Act.
- (5) Foreclosure Covenants. Every land-secured financing bond issuance document shall provide for the judicial foreclosure of delinquent payments of assessments or special taxes. Such covenants may vary with the particular financings, but shall at the minimum generally provide for the institution of foreclosure not more than 150 days from April 10 of a calendar year and shall authorize the City Attorney or delegate thereof to commence foreclosure without further Council action upon notification of a delinquency. Provision may be made to allow deferral of foreclosure in the event the City advances funds to the reserve fund to maintain any specific reserve requirement.
- (6) Discounts. In competitive bond sales, the amount of discount shall be determined by the City with the advice of its financial advisor. In negotiated sales, it shall be the burden on the underwriter to justify its discount as competitive and such justification must take into account any other compensation being paid to the underwriter.

Original issue discount will be allowed if it results in a lower true interest cost and will not adversely affect the ability to construct the public improvements.

(7) Information to Property Owners.

1. Prospective Purchasers. The Director of Finance shall be responsible for providing notice of special tax to prospective property owners pursuant to Section 53340.2 of the Act and, upon request of an applicant, or its agent or representative, information in order for such applicant, agent or representative to comply with Section 53341.5 of the Act.
2. Existing Lenders. The City may require the consent of the existing deed of trust holders in any CFD to be formed by landowner (rather than registered voter) approval.

i) Criteria for Evaluating the Equity of the Special Tax Formula.

The proposed rate and method of apportionment shall comply with the following criteria:

- (1) The rate and method of apportionment generally shall not provide for an annual increase in the maximum special tax for any classification. However, under limited circumstances an increase in the maximum special tax will be permitted, not to exceed two percent (2%) annually. As a general rule, escalation of the maximum annual special tax will be allowed when bonds are to be sold in several series over an extended period of time.
- (2) The total projected annual special tax revenues, less estimated annual administrative expenses, must exceed the projected annual gross debt service on the bonds by ten percent (10%). In structuring the special tax, projected annual interest earnings at current passbook savings rates on bond reserve funds may also be included as revenue for the purpose of this calculation. Reserve fund interest earnings credit in excess of the foregoing will only be permitted if an investment agreement, satisfactory to the City, is secured at the time any bonds are sold and delivered.
- (3) The projected annual tax revenues shall include reasonable annual administrative expenses and other direct costs to the CFD.
- (4) All property not otherwise statutorily exempted or owned (or to be owned) by a public entity shall bear its appropriate share of the special tax liability.
- (5) The special tax shall be allocated and apportioned on the basis of reasonableness to all categories and classes of property receiving general or specific benefit within the CFD.
- (6) A formula to prepay the special tax shall be considered.
- (7) The projected ad valorem property tax and other direct and overlapping debt for the

proposed CFD (including estimated CFD charges, projected benefit assessments, levies for authorized but unissued debt and any other anticipated municipal charges which may be included on a property owner's annual tax bill), including the proposed maximum special tax, should not exceed two percent (2%) of the anticipated assessed value of each improved parcel upon completion of the public and private improvements. Any deviations from the foregoing will not be permitted unless specifically recommended by the CFD Formation Group and approved by the City Council.

- (8) The special tax formula shall be structured to produce sufficient annual special tax revenue to pay annual debt service, administrative expenses, and "pay as you go" programs funded by the CFD special tax. To the extent a special tax is to be levied to pay for services, it should be separate from the special tax to pay for facilities.
- (9) The special tax formula shall be such that once the total special tax need is known, and the status of all properties within the CFD relative to that formula are known, the special tax on each parcel is determined purely by the application of the formula without the exercise of discretion on the part of any person.

j) Criteria for the Sale of Bonds.

In order to ensure the long-term security of any bonds sold as the result of the formation of a CFD, the following policies shall be followed:

- (1) The ratio of the appraised value of the land to the value of the proposed bond issue, and any other overlapping debt, shall not be lower than 3-to-1 unless authorized by the City Council with specific findings in accordance with the Act.
- (2) Market absorption studies may be required at the City's discretion to determine if the financing of the infrastructure and public facilities is appropriate given the projected level and pace of development. The study may also be required by the appraiser for use in the appraisal process. The City will employ any market-absorption consultant.
- (3) All terms and conditions for the sale of bonds shall be established by the City.

k) Continuing Disclosure.

By being allowed to participate for a Mello-Roos proceeding, each owner of land therein must be willing to provide information deemed by the City and its financing team to be needed in order for the City and the underwriter to comply with applicable Federal and State securities laws, including continuing disclosure requirements imposed by S.E.C. Rule 15c 2-12.

l) The Appraisal Process.

Appraisals undertaken to establish value-to-lien ratios for land-secured financings can be complex, requiring the appraiser to interpret the significance of various financial and demographic data. Because an appraisal essentially is an appraiser's *opinion* of value, the City requires

that the appraiser be qualified to render this opinion.

- (1) Credentials. The appraiser will be credentialed by the State of California Office of Real Estate Appraisers and be a member of the Appraisal Institute (MAI) or have similar training, experience and qualifications.
- (2) Independence. The appraiser will be an independent contractor retained by the public agency, rather than a land owner/developer.

m) The Appraisal Problem.

The appraiser will begin each assignment by defining the *appraisal problem* - that is, succinctly stating the objective of the appraisal. The statement of the appraisal problem will identify (1) the property rights to be valued, (2) the operative definition of value, and (3) the date of the value estimate.

- (1) Property Rights to be Valued. Appraisals undertaken to establish value-to-lien ratios in CFDs and assessment districts will value the fee simple estate within the established district and subject to the special tax or assessment lien.
- (2) Definition of Value. Appraisal undertaken to establish value-to-lien ratios in CFDs and assessment districts will estimate the market value of the subject property. The market value estimate will be the bulk sale value for all vacant properties - both unimproved properties and improved or partially improved but unoccupied properties. The bulk land value will include the property within the district as it is currently entitled with all appropriate zoning and in its current state of development, the value of the improvements to be financed with the proposed bond issue, if any, and the value of other improvements to be financed with any other cash escrow or security whose cash value is entirely controlled by the City. Paragraph O, which follows, provides those valuation methods the City will allow an appraiser to use to estimate the bulk sale value.
- (3) Date of the Value Estimate. The date of the value estimate should clearly be identified in the appraisal report. The period between the date of the appraisal and the financing should be no more than four months, to accurately represent land values to prospective investors.

- n) Valuation Methods. The first three valuation methods discussed below - the Sales Comparison Approach to Value, the Cost Approach to Value, and the Income Capitalization Approach to Value - form the core of modern real estate appraisal practices. These valuation methods are appropriate for conventional appraisal assignments involving improved real property, but are less well-suited to the valuation of unimproved land. Appraisals of unimproved CFDs and assessment districts will additionally employ a Discounted Cash Flow (DCF) analysis based upon the bulk land value of the property appraised, the fourth valuation method discussed in this section. This section concludes with a brief discussion of Mass Appraisal techniques and an assessed value approach alternative. An appraisal may include more than one appraisal method, depending on the

status of the project.

- (1) Sales Comparison Approach to Value. The Sales Comparison Approach to Value offers the best indication of the market value of the subject property, because it is based on actual sales data. This methodology is appropriate for most improved properties, but the absence of comparable sales data usually constrains its application to appraisals of unimproved CFDs and assessment districts. The Sales Comparison approach, however, provides the analytical basis for estimating a future retail value of presently unimproved properties which may be incorporated into a Discounted Cash Flow analysis.
  - (2) Cost Approach to Value. The Cost Approach to Value is not appropriate for appraisals undertaken to establish value-to-lien ratios in CFDs and assessment districts. Cost does not create value. The Cost Approach may be useful, however, for adjusting for physical differences between properties under the Sales Comparison Approach. Sales Comparison appraisals can be adjusted to reflect infrastructure differences between different projects.
  - (3) Income Capitalization Approach to Value. The Income Capitalization Approach to Value is appropriate for retail value calculations of income-producing properties. It also may be appropriate for estimating the future retail values of income-producing properties for use in a Discounted Cash Flow analysis.
  - (4) Discounted Cash Flow Analysis. Discounted Cash Flow Analysis is appropriate for bulk sale valuations of unimproved properties and improved or partially improved but unoccupied properties. Discounted Cash Flow valuations should rely on an absorption study to estimate how quickly properties can be developed and sold or leased to end users. The expense of converting raw land to finished product or improved lots must be deducted from gross cash flow to derive net cash flow prior to discounting. The value of the public facilities to be financed with the contemplated bond financing will be included in the appraisal. The discount rate should reflect the rates of return needed to attract debt and equity participation in the project.
  - (5) Mass Appraisal Techniques. When an entire tract or project has been built and fully absorbed, the appraiser may employ mass appraisal techniques, utilizing conservative per dwelling unit estimates.
  - (6) Assessed Value. If, based upon assessed value, the value-to-lien ratio of the project and ninety (90%) percent of the undeveloped parcels is greater than 3:1, then a separate appraisal may not be required. If the assessed value of ninety (90%) percent of the undeveloped parcels is not greater than three times the amount of the lien then the City can require an appraisal to be completed on the undeveloped portion of the project while it uses the assessed value for the developed portion.
- o) Contents of Appraisal. The appropriate format and level of appraisal documentation can vary according to its complexity. A detailed appraisal will reflect nationally recognized

appraisal standards, including, to the extent appropriate, the Uniform Standards of Professional Appraisal Practice. Appraisal methodology and presentation of the results of the appraisal shall be presented in writing in either form report or narrative report, as required, by the CFD Formation Group.

Appraisals should conform to the following specific criteria:

- (1) Appraisals must be selected from a “pre-qualified” list of appraisers determined by the City.
- (2) Appraisals must be in writing, using either a “form report” (Uniform Commercial and Industrial Appraisal Report - Existing Property) or a “narrative report.”
- (3) Each appraisal shall clearly state the purpose of the report; a definition of the estate being appraised (i.e. fee, leasehold, etc.); and a description of the limiting conditions and assumptions underlying the appraisal.
- (4) Valuation dates shall be as determined by the City, but in no event earlier than 120 days prior to the sale of the bonds. To the extent practical, valuation dates on all properties shall be synchronized to a specific date, such as “October 1, 1999.”
- (5) A physical description of the property being appraised, along with a discussion of its “highest and best use,” land use regulations, present use and location.
- (6) An opinion of value which specifically considers the value of the property (including individual parcels) with the completed public facilities (bond proceeds and other financial guarantees).
- (7) A certificate of the appraiser stating the absence of any direct or indirect interests in the property, along with a brief description of the appraiser’s qualifications.
- (8) Improvement description (to the extent information is practically available).
  - (a) Land parcels which have been developed and subsequently sold should at a minimum indicate land parcel size, number of lots, density, number of plans, square footage, year construction was initiated, year of completion, and when sales were initiated.
  - (b) Land parcels with product under construction or with standing inventory, should be described as in (5) above and include a summary of the stage of development including: number of residential units or buildings completed, number of buildings, status of buildings under construction, finished lots and mass-graded or raw lots. In addition, a comment on the marketability of the building (architecture, size, etc.) is appropriate.
  - (c) Land parcels which have been developed with income-producing (or owner-occupied) commercial, industrial, offices, etc., should be described as follows:

- (i) Commercial Retail. Land parcel size; basic construction type; typical tenant improvements (and who is responsible for their construction); leasable area, when construction was initiated; and date of completion.
- (ii) Industrial. Land parcel size; basic construction type, whether single or multi-tenant typical office build-out as percentage of total area, when construction was initiated; and date of completion.
- (iii) Office. Land parcel size; basic construction type; typical tenant improvements/allowance; net rentable area, when construction was initiated; and date of completion.
- (iv) Residential. Land parcel size; basic construction type; whether single or multi-family; when construction was initiated; and date of completion.

5) District Administrator.

Upon completion of the formation of or annexation to a CFD, the District Administrator shall oversee all post-formation/post-annexation administrative duties. Examples of said duties include but are not limited to the following:

- a) Establish through the Finance Department of the City of Modesto the financing mechanism to receive, dispense and administer all monies received post-formation/post-annexation.
- b) Establish and administer a reserve fund.
- c) File all appropriate notices.
- d) Take any and all actions necessary for prudent administration of all post-formation/post-annexation CFDs, including but not limited to the expenditure or allocation of District funds, in strict accordance with Section 53343 of the Mello-Roos Act of 1982 as it may be amended, so that any such funds shall only be allocated or expended for facilities and services authorized by the Act. This shall include but not be limited to, creation of and modification to the Capital Improvement Project (CIP) budgets.

6) District Administration.

- a) District Administration Requirement of Infrastructure/Credit Specification in Subdivision Agreements.

On or after December 1, 1998, it shall be City policy with respect to those subdivisions located within the boundaries of a proposed Community Facilities District, an existing Community Facilities District, or a proposed or existing annexation to a Community Facilities District that the subdivision agreement required by the City for each such subdivision specify the creditable infrastructure or infrastructure segment percentages to be provided by the Developer of that

subdivision in detail, as well as proposed credit amounts associated with the subject infrastructure or infrastructure segment percentages. The infrastructure or infrastructure percentages shall be among those required to be completed by the Facility Master Plan or another similar infrastructure specification pertaining to the subdivision for which an agreement is sought.

b) District Administrator To Consult With Director Of Community Development Re Inclusion of Community Facilities Districts In Specific (Or Other) Plan Finance Plans.

When Specific or analogous Plans required by law for development are being prepared by the City, the City's Director of Community Development, after consultation with the City's Director of Engineering and Transportation and its District Administrator, shall determine whether or not a Community Facilities District shall be at least one means of financing infrastructure within any proposed Specific Plan on and after December 1, 1998, once the Director of Community Development has determined that a Community Facilities District shall be one means of financing such infrastructure, each subdivision within such a Plan shall have approval of its tentative subdivision map conditioned on the creation of or annexation to a Community Facilities District prior to final approval of its subdivision map, and the District Administrator shall assist the Director of Community Development in ensuring enforcement of this policy.

c) Uncreditable Portion Of Contingency Estimates In Village One.

The District Administrator, in coordination with the City's Community Development Department, shall ensure that the contingency portion of each facility segment credit against the one-time facilities taxes otherwise due shall be uncreditable, and received in cash, in an amount equivalent to 10.5% of the 25% contingency portion of each such facility segment credit, so that Village One developers will receive a net credit of 14.5% with respect to the contingency portion of each such facility segment credit against the appropriate one-time facilities tax.

d) Uncreditable Portion Of Contingency Costs To Be Included In Future Community Facilities Districts.

The District Administrator, in coordination with the City's Community Development Department, shall insure that an uncreditable percentage of each future one-time facilities tax is incorporated into each of the City's future Community Facilities Districts by means of inclusion in the Public Report and in the Rate and Method of Apportionment of Taxes. In order to ensure that the City's sunk costs of planning and engineering, ongoing administration, indirect costs and consultant costs can be paid from cash on hand generated by this requirement, some portion of the estimated cost of each facility, facility segment, or unit cost of a facility shall be disallowed from presentation for credit against the special one-time facilities tax which would otherwise be due with respect to the provision of that facility.

e) Tax Credit Procedure

- i) Facility providers may be permitted credits against taxes owed, or cash credits, as appropriate, and as set forth herein.
- ii) In the case of oversubscription, cash up to the amount of the oversubscription may be paid to a facility provider as cash becomes available to the CFD through tax collection.
- iii) Taxes shall be payable at the time specified in the public report. Until January 1, 2000, the tax payable shall at least equal the administrative offset specified in the public report or otherwise.
- iv) The district shall also be compensated from available tax monies for money and services advanced by it for the acquisition, construction, improvement or control of any or all of the facilities set forth in the public report, all in accordance with and subject to the Mello Roos Act (including, without limitation, Section 53314.9 of the Act), the resolution of formation of the CFD, the policies and procedures for administration of the CFD, the public report and other applicable law.
- v) In no event shall cash advances, dedications, or construction of facilities become either a debt of the City, or a debt in excess of actual tax receipts, of the CFD.
- vi) All tax credits shall be made by the District Administrator pursuant to a valid, executed facility acquisition agreement in a form approved by the District Administrator.
- vii) Prior to January 1, 2000, with the approval of the District Administrator, credits may be furnished to a facility provider to offset taxes otherwise due if the facility provider has furnished or is furnishing facilities which have not yet received a notice of completion. Notwithstanding the foregoing, such discretionary credit shall be fully reimbursable to the CFD in cash by the facility provider in the event that a facility acquisition agreement is not executed by the facility provider, or if that facility provider does not receive a notice of completion from the District Engineer.
- viii) On and after January 1, 2000:
  - (1) The District Administrator shall ensure that the full tax is collected as it becomes due from each provider of facilities or facility segments to the CFD until (a) a valid facility acquisition agreement exists between the CFD and the facility provider and, (b) the facility has been completed, and (c) a certificate of completion has been issued to the facility provider. The District Administrator shall then provide facility special tax credits or cash reimbursement, as appropriate, to that facility provider.
  - (2) All facility providers shall be denied tax credit for any portion of an otherwise credit-eligible facility constructed prior to execution by that provider of a facility acquisition agreement suitable to the District Administrator. Credit shall not be denied for planning or engineering costs included in a Facility Cost Estimate incurred prior to execution of that agreement.

- (3) Credits shall be expended by the District Administrator in date order of the certificate of completion of the facility for which credits are requested, and each such facility shall be completely credited before the district administrator shall grant credits to a facility receiving a certificate of completion later in time.
- (4) Where apportionment is required, as with respect to a total facilities cost stated in the public report including two or more sub-facilities, or where more than one person or entity participates in the construction or furnishing of a facility, the determination of such apportionment and credit by the District Administrator or their designee shall be conclusive evidence of the amount of the credit derived thereby.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-308**

**A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT FOR WEBSITE CONSULTING SERVICES WITH MICAHLYNN RIVERA, IN AN AMOUNT NOT TO EXCEED \$50,000; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT.**

WHEREAS, the Community & Economic Development Department (CEDD) website is an important tool used to provide the public with information about the Department's services, and

WHEREAS, the Community & Economic Development website was designed, created and maintained by the Department's website consultant, Micahlynn Rivera, and

WHEREAS, the Business Development Division has a website, specifically for site selectors searching for new business locations, and

WHEREAS, both of these sites provide the public with a wide range of Department services and information such as zoning, the Housing Element, General Plan and the Urban Growth Review, and

WHEREAS, meeting agendas, minutes and resolutions for the Planning Commission and Board of Zoning Appeal are made available on the Department website, and

WHEREAS, the website consultant has unique skills and abilities that are critical in maintaining current web services and meeting future goals and demands, and

WHEREAS, the City desires to extend Consultant's contract through June 30, 2005, for an additional amount not to exceed \$50,000 for services as set forth in **Exhibit "A"** attached hereto, and

WHEREAS, the Finance Committee recommended approval of this item at its June 21, 2004 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to Agreement for Website Consulting Services with Micahlynn Rivera through June 30, 2005, in an amount not to exceed \$50,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Exhibit "A"  
PROJECT SCOPE

- C&ED Intranet  
Duties: Maintain internal websites for C&ED Department.
  - C&ED Intranet Site
  - Property Management Site
  - Online NewsletterLinks to documents, forms, staff gallery and other department related information. Not available to the public.
  
- C&ED Websites  
Duties: Maintain public website that houses all C&ED sub-sites:
  - Board of Zoning
  - Building & Development Site
  - Business Development
  - Economic Development
  - Housing Element
  - Planning Commission
  - Planning Division
  - Redevelopment Agency
  - Urban Area Growth ReviewUpdate pages as requested, routine maintenance and reformatting as necessary.
  
- Graphic Design  
Duties: Create graphics for all marketing materials, presentations and other items as requested.
  
- Presentation Design  
Duties: Design PowerPoint presentations as needed.
  
- Technical Support  
Duties: Troubleshoot software problems and hardware problems as capable.
  
- Management of special projects

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-309**

**A RESOLUTION REJECTING THE SOLE BID OF \$944,176 FROM GEORGE REED, INC., FOR THE PROJECT TITLED "EXTEND CORPORATE AND RECONSTRUCT TRANSIENT AIRCRAFT APRONS," AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE**

WHEREAS, the bid received for the Extend Corporate And Reconstruct Transient Aircraft Aprons project was opened at 11:00 a.m. on May 11, 2004, and later tabulated for the Acting Engineering and Transportation Department Director for consideration by the Council, and

WHEREAS, the sole and low bid for the project was 47% above the engineer's estimate, and

WHEREAS, the FAA will not approve construction grants for projects where the sole low bid is more than 10% above the engineer's estimate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids for the project titled "Extend Corporate And Reconstruct Transient Aircraft Aprons."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-310**

**RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR THE "RUNWAY 10L-28R PAVEMENT IMPROVEMENTS AND RUNWAY LIGHT FIXTURE REPLACEMENT" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$1,009,102.05 PER THE CONTRACT. TOTAL PROJECT COST IS \$1,217,681.02.**

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "Runway 10L-28R Pavement Improvements and Runway Light Fixture Replacement" has been completed by George Reed, Inc., in accordance with the contract agreement dated September 2, 2003,

NOW, THEREFORE, BE IT RESOLVED that the "Runway 10L-28R Pavement Improvements and Runway Light Fixture Replacement" project be accepted from said contractor, George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$1,009,102.05, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-311**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$246,900 CONTRACT WITH COLLINS ELECTRICAL COMPANY, INC., FOR THE PROJECT TITLED "CENTRE PLAZA LIGHTING CONTROLS," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS \$294,342**

WHEREAS, the bids received for the Centre Plaza Lighting Controls were opened at 11:00 a.m. on June 15, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$246,900 received from COLLINS ELECTRICAL COMPANY, INC., be accepted as the lowest responsible bid and the contract be awarded to COLLINS ELECTRICAL COMPANY, INC.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of COLLINS ELECTRICAL COMPANY, INC., in the amount of \$246,900, and hereby awards COLLINS ELECTRICAL COMPANY, INC., the contract titled "Centre Plaza Lighting Controls" for \$246,900.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-312**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$107,651.00 CONTRACT WITH KROEKER, INC., FOR THE PROJECT TITLED "DEMOLITION OF BUILDINGS ON 8TH STREET" FOR THE NEW BUS MAINTENANCE FACILITY, WAIVING A MINOR BID IRREGULARITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS DEMOLITION PROJECT IS \$131,334.22.**

WHEREAS, the bids received for the Demolition of Buildings on 8<sup>th</sup> Street were opened at 11:00 a.m. on May 25, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the incomplete "Quoter Information Sheets" in Kroeker, Inc., bid proposals were found to be minor irregularities in accordance with Municipal Code 8-3.203, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$107,651.00 received from Kroeker, Inc., be accepted as the lowest responsible bid and the contract be awarded to Kroeker, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Kroeker, Inc., in the amount of \$107,651.00, and hereby awards Kroeker, Inc., the contract titled "Demolition of Buildings and 8<sup>th</sup> Street" for \$107,651.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-313**

**A RESOLUTION AWARDED THE BID AND APPROVING A \$249,130.00 CONTRACT WITH CLAYBORN CONTRACTING GROUP, INC., FOR THE PROJECT TITLED, "RELOCATION OF GAC FILTERS TO WELL 50," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED PROJECT COST IS \$298,956.00.**

WHEREAS, the bids received for Relocation Of GAC Filters To Well 50 project were opened at 11:00 a.m. on June 1, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$249,130.00 received from Clayborn Contracting Group, Inc., be accepted as the lowest responsible bid and the contract be awarded to Clayborn Contracting Group, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Clayborn Contracting Group, Inc., in the amount of \$249,130.00, and hereby awards Clayborn Contracting Group, Inc., the contract titled "Relocation Of GAC Filters To Well 50."

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-314**

**RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET TO: 1) REDUCE PROJECT ACCOUNT NUMBER 6100-430-A03, WELLHEAD TREATMENT ZONE 1, BY \$14,812 AND RETURN \$14,812.00 TO THE WATER FUND RESERVES; AND 2) REAPPROPRIATE \$14,812 MOVED TO THE WATER FUND RESERVES TO PROJECT ACCOUNT NUMBER 6100-480-Q211, ACQUIRE PROPERTY/INSTALL GAC AT WELL 50, THEREBY FULLY FUNDING THE PROJECT TITLED "RELOCATION OF GAC FILTERS TO WELL 50."**

WHEREAS, the bids received for Relocation Of GAC Filters To Well 50 project were opened at 11:00 a.m. on June 1, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of \$249,130.00 received from Clayborn Contracting Group, Inc., be accepted as the lowest responsible bid and the contract be awarded to Clayborn Contracting Group, Inc., and

WHEREAS, total estimated project cost for Relocation Of GAC Filters To Well 50 is \$298,956.00, which includes construction contingency and construction administration, and

WHEREAS, funding available in account number 6100-480-Q211, Acquire Property/Install GAC at Well 50, is in the amount of \$284,144.00, and

WHEREAS, an additional amount of \$14,812.00 from the Water Fund Reserves is required to fully fund the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2003-2004 Capital Improvement Budget to: (1) reduce project account number 6100-430-A023, Wellhead Treatment Zone 1, by \$14,812,

and return \$14,812.00 to the Water Fund Reserves; and (2) reappropriate \$14,812 moved to the Water Fund Reserves to project account number 6100-480-Q211, Acquire Property/Install GAC At Well 50, thereby fully funding the project titled "Relocation Of GAC Filters To Well 50."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-315**

**RESOLUTION ACCEPTING THE WORK BY CLYDE WHEELER PIPELINE, INC., FOR THE "HILLGLEN AVENUE STORM DRAIN" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$339,277.50 PER THE CONTRACT. TOTAL PROJECT COST IS \$496,871.71.**

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "Hillglen Avenue Storm Drain" has been completed by Clyde Wheeler Pipeline, Inc., in accordance with the contract agreement dated October 28, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Hillglen Avenue Storm Drain" project be accepted from said contractor, Clyde Wheeler Pipeline, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$339,277.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-315A**

**A RESOLUTION APPROVING A ONE-YEAR AGREEMENT WITH THE  
PENTECOSTAL CHURCH OF MODESTO REVIVAL CENTER TO LEASE 75  
CARPOOL PARKING SPACES COMMENCING JULY 1, 2004 THROUGH  
JUNE 30, 2005**

WHEREAS, the Stanislaus Council of Governments (StanCOG) entered into an agreement with the Pentecostal Church of Modesto Revival Center (the Church) to lease 75 carpool parking spaces at a cost of \$1,125 per quarter year, and

WHEREAS, said agreement expires June 30, 2004, and

WHEREAS, StanCOG no longer wishes to be a party to the agreement, and

WHEREAS, a need exists for carpool parking spaces to replace those that will be lost by the impending closure of the Vintage Faire Mall park and ride lot, and

WHEREAS, the Church is willing to enter into a lease agreement with the City of Modesto for 75 carpool parking spaces at a cost of \$1,125 per quarter year commencing on July 1, 2004 and expiring on June 30, 2005, and

WHEREAS, Engineering and Transportation Department staff recommended to the Economic Development Committee (EDC) that the City of Modesto assume StanCOG's role in the agreement with the Church, and

WHEREAS, the EDC met on June 7, 2004 and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated June 8, 2004, from the Engineering and Transportation Director, City staff recommended to the Council that it approve the agreement with the Church,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with the Pentecostal Church of Modesto Revival

Center for the lease of 75 carpool parking spaces at a cost of \$1,125 per quarter year, commencing July 1, 2004 through June 30, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-315B**

**A RESOLUTION AUTHORIZING STAFF TO ENTER INTO NEGOTIATIONS WITH PARKING LOT OWNERS TO SECURE CARPOOL PARKING SPACES FOR THE EXCLUSIVE USE OF CUSTOMERS OF THE MODESTO AREA EXPRESS (MAX) COMMUTER ROUTES TO THE BAY AREA RAPID TRANSIT (BART) STATION AND ALTAMONT COMMUTER EXPRESS (ACE) TRAIN STATION**

WHEREAS, customers of the MAX commuter express routes to the BART station in Pleasanton and the ACE train station in Manteca will no longer have the opportunity to park their cars at the Vintage Faire Mall Park and Ride lot as the mall owner is desirous of closing the lot as soon as possible, and

WHEREAS, a need exists for carpool parking spaces for use by MAX customers to replace those that will be lost by the impending closure of the park and ride lot, and

WHEREAS, Engineering and Transportation Department staff recommended to the Economic Development Committee (EDC) that the City of Modesto negotiate lease agreements with parking lot owners to allow for the parking of MAX commuter bus customers, and

WHEREAS, the EDC met on June 7, 2004 and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated June 8, 2004, from the Acting Engineering and Transportation Director, City staff recommended to the Council that it authorize staff to negotiate said lease agreements to provide parking spaces for customers of the MAX commuter express routes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to negotiate lease agreements with parking lot owners to provide carpool parking spaces for customers of the MAX commuter express routes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 316

**A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Dolly Haskell  
 Telephone No.: 2-2202  
 Department: O&M  
 Fund Title: Water Fund

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

### June Monthly Adj

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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#### DEPARTMENTAL REVENUES

<u>FROM</u>					
<u>TO</u>					

#### APPROPRIATIONS

<u>FROM</u>					
MY-6100-440-M212-6010	M212	\$10,000	(\$2,528)	\$7,472	Design
My-6100-440-M212-6040	M212	\$180,000	(\$97,729)	\$82,271	Construction
MY-6100-440-M212-6060	M212	\$20,000	(\$12,364)	\$7,636	Admin
04-6100-800-8000-8003	6100R	(\$63,064)	\$112,621	\$49,557	Water Contingency
<u>TO</u>					
04-6100-800-8000-8003	6100R	(\$175,685)	\$112,621	(\$63,064)	Water Contingency
MY-6100-430-A023-6010	A023	\$27,140	\$2,528	\$29,668	Design
MY-6100-430-A023-6041	A023	\$491,942	\$97,729	\$589,671	City Forces Construction
MY-6100-430-A023-6060	A023	\$26,000	\$12,364	\$38,364	Admin

#### COMMENTS/JUSTIFICATION

This is a reallocation of funds within Water's Zone 1 CIP to fund the treatment of Well 100. Funds are being moved from the recoat tank interior CIP because upon inspection, tank coating in Zone 1 is not needed this FY. Once this CIP has been reduced, it will be closed.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Micheal Musca  
 Telephone No.: \_\_\_\_\_  
 Department: Airport  
 Fund Title: Airport

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

### June Monthly Adjustment

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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#### DEPARTMENTAL REVENUES

<b>FROM</b>					
<b>TO</b>					

#### APPROPRIATIONS

<b>FROM</b>					
MY-6320-440-N127-6040	N127	\$227,000	(\$22,271)	\$204,729	Construction
04-6320-800-8000-8003	6320R	\$2,074,012	(\$22,271)	\$2,051,741	Airport CIP Contingency
<b>TO</b>					
04-6320-800-8000-8003	6320R	\$2,051,741	\$22,271	\$2,074,012	Airport CIP Contingency
MY-6320-440-N559-6010	N559	\$46,000	\$22,271	\$68,271	Design

#### TRANSFERS BETWEEN FUNDS

<b>FROM</b>					
MY-6330-700-N127-7630	6330G	\$29,000	(\$22,271)	\$6,729	Aircraft Tax not needed
MY-6330-700-N559-7630	6330G		\$22,271	\$22,271	Aircraft Tax
<b>TO</b>					
MY-6320-700-N127-9630		\$29,000	(\$22,271)	\$6,729	Aircraft Tax not needed
MY-6320-700-N559-9630			\$22,271	\$22,271	Aircraft Tax

#### COMMENTS/JUSTIFICATION

This adjustment is to decrease the N127 Perimeter Rd CIP by \$22,271 and return the funds to reserves, then reallocate the monies to CIP N559 Emergency Airfield Generator to finish the project.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Dean Phillips  
 Telephone No.: 577-5215  
 Department: E&T

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Gas Tax Fund/General Fund

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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<b>DEPARTMENTAL REVENUES</b>					
<b>FROM</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>TO</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	

<b>APPROPRIATIONS</b>					
<b>FROM</b>					
04-0100-800-8000-8003		\$ (2,465,182)	\$ 110,000	\$ (2,355,182)	CONTINGENCY
<b>TOTAL</b>		\$ (2,465,182)	\$ 110,000	\$ (2,355,182)	
<b>TO</b>					
04-0300-800-800-8003		\$ -	\$ (110,000)	\$ (110,000)	CONTINGENCY
<b>TOTAL</b>		\$ -	\$ (110,000)	\$ (110,000)	

<b>TRANSFERS BETWEEN FUNDS</b>					
<b>REVENUE</b>					
04-0300-700-4100-7010	4100G	\$ 80,105	\$ 80,839	\$ 160,944	TRANSFER FROM 0100 TO 0300
04-0300-700-4200-7010	4200G	\$ 28,899	\$ 29,161	\$ 58,060	TRANSFER FROM 0100 TO 0300
<b>TOTAL</b>		\$ 109,004	\$ 110,000	\$ 219,004	
<b>EXPENSE</b>					
04-0100-700-4100-9030	4100G	\$ 80,105	\$ 80,839	\$ 160,944	TRANSFER TO 0300 FROM 0100
04-0100-700-4200-9030	4200G	\$ 28,899	\$ 29,161	\$ 58,060	TRANSFER TO 0300 FROM 0100
<b>TOTAL</b>		\$ 109,004	\$ 110,000	\$ 219,004	

<b>CONTROL TOTAL</b>		\$ (2,465,182)	\$ -	\$ (2,465,182)	
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This is a technical adjustment to the transfers between funds 0100 and 0300. The budget adjustment corrects a transfer programming error. The amount remaining after the budget adjustment is that amount included in the operations budget for FY04

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jeff Barnes  
 Telephone No.: 577-5215  
 Department: O&M

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: GAS TAX FUND

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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<b>DEPARTMENTAL REVENUES</b>					
<b>FROM</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>TO</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	

<b>APPROPRIATIONS</b>					
<b>FROM</b>					
04-0700-800-8000-8003		\$ 1,556,050	\$ (25,000)	\$ 1,531,050	contingency
<b>TOTAL</b>		\$ 1,556,050	\$ (25,000)	\$ 1,531,050	
<b>TO</b>					
04-0700-480-4616-6041	4616C	\$ -	\$ 25,000	\$ 25,000	construction
<b>TOTAL</b>		\$ -	\$ 25,000	\$ 25,000	

<b>TRANSFERS BETWEEN FUNDS</b>					
<b>FROM</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>TO</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	

<b>CONTROL TOTAL</b>		\$ 1,556,050	\$ -	\$ 1,556,050	
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Although the Kansas Needham overcrossing and several roundabouts were completed by the city this year, no funds were established to maintain them. E&T has proposed to move \$25,000 from the gas tax reserves to provide this necessary maintenance. This will roll over to FY05.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: KRIS OLSEN  
 Telephone No.: 577-5215  
 Department: Engineering & Transportation  
 Fund Title: GAS TAX FUND

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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DEPARTMENTAL REVENUES					
<b>FROM</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>TO</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	

APPROPRIATIONS					
<b>FROM</b>					
MY-0700-430-K265-6040	K265C	\$ 1,322,484	\$ (1,320,100)	\$ 2,384	construction
MY-0700-430-K265-6060	K265C	\$ 500,000	\$ (489,100)	\$ 10,900	construction engineering
<b>TOTAL</b>		<b>\$ 1,822,484</b>	<b>\$ (1,809,200)</b>	<b>\$ 13,284</b>	
<b>TO</b>					
MY-2300-160-A265-6040	A265C	\$200,000	\$ 1,320,100	\$ 1,520,100	construction
MY-2300-160-A265-6060	A265C	\$20,000	\$ 489,100	\$ 509,100	construction engineering
<b>TOTAL</b>		<b>\$ 220,000</b>	<b>\$ 1,809,200</b>	<b>\$ 2,029,200</b>	

TRANSFERS BETWEEN FUNDS					
<b>REVENUE</b>					
04-2300-700-A265-7070	A265G		\$ 1,520,100	\$ 1,520,100	TRANSFER FROM 0700 TO 2300
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ 1,520,100</b>	<b>\$ 1,520,100</b>	
<b>EXPENSE</b>					
MY-0700-700-A265-9230	A265G		\$ 1,520,100	\$ 1,520,100	TRANSFER TO 2300 FROM 0700
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ 1,520,100</b>	<b>\$ 1,520,100</b>	

<b>CONTROL TOTAL</b>		<b>\$ 2,042,484</b>	<b>\$ 3,040,200</b>	<b>\$ 5,082,684</b>	
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The Federal Demonstration grant to remove the railroad tracks from 9th street was recently amended to include a project to lower the railroad crossings along the virginia corridor. Moving these funds to a separate CIP will allow us to track the funds better for federal accounting purposes.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jeff Barnes  
 Telephone No.: 577-5215  
 Department: O&M

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: GAS TAX FUND

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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DEPARTMENTAL REVENUES					
<b>FROM</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>TO</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	

APPROPRIATIONS					
<b>FROM</b>					
04-0700-480-4613-6041	4613C	\$ 99,000	\$ (99,000)	\$ -	construction
<b>TOTAL</b>		\$ 99,000	\$ (99,000)	\$ -	
<b>TO</b>					
MY-2300-480-A019-6041	A019C	\$ -	\$ 99,000	\$ 99,000	construction
<b>TOTAL</b>		\$ -	\$ 99,000	\$ 99,000	

TRANSFERS BETWEEN FUNDS					
<b>REVENUE</b>					
04-2300-700-A019-7070	A019G	\$ -	\$ 99,000	\$ 99,000	transfer to 2300 from 0700
<b>TOTAL</b>		\$ -	\$ -	\$ 99,000	
<b>EXPENSE</b>					
04-0700-700-A019-9230	A019G	\$ -	\$ 99,000	\$ 99,000	transfer to 2300 from 0700
<b>TOTAL</b>		\$ -	\$ 99,000	\$ 99,000	

<b>CONTROL TOTAL</b>		\$ 99,000	\$ -	\$ 99,000	
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The operations project to improve BlueGum Road was reviewed and determined to be best classified as a CIP. As a result the project was moved from an operations account in the Gas Tax fund to the CIP Fund (2300)

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Fred Cavanah  
 Telephone No.: 577-5215  
 Department: E&T

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: BUS/CFF PUBLIC TRANSIT FUNDS

FY: 03-04  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<b>DEPARTMENTAL REVENUES</b>					
<b>FROM</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>TO</b>					
<b>TOTAL</b>		\$ -	\$ -	\$ -	
<b>APPROPRIATIONS</b>					
<b>FROM</b>					
04-1420-800-8000-8003		\$ -	\$ (339,508)	\$ (339,508)	CONTINGENCY
<b>TOTAL</b>		\$ -	\$ (339,508)	\$ (339,508)	
<b>TO</b>					
04-6510-800-800-8003		\$ -	\$ 339,508	\$ 339,508	CONTINGENCY
<b>TOTAL</b>		\$ -	\$ 339,508	\$ 339,508	
<b>TRANSFERS BETWEEN FUNDS</b>					
<b>REVENUE</b>					
04-6510-700-B911-7142	B911G	\$ -	\$ 51,230	\$ 51,230	TRANSFER FROM 1420 TO 6510
04-6510-700-1677-7142	1677G	\$ -	\$ 33,500	\$ 33,500	TRANSFER FROM 1420 TO 6510
04-6510-700-K821-7142	K821G	\$ 510,000	\$ 254,778	\$ 764,778	TRANSFER FROM 1420 TO 6510
<b>TOTAL</b>		\$ 510,000	\$ 339,508	\$ 849,508	
<b>EXPENSE</b>					
04-1420-700-B911-9651	B911G	\$ -	\$ 51,230	\$ 51,230	TRANSFER TO 6510 FROM 1420
04-1420-700-1677-9651	1677G	\$ -	\$ 33,500	\$ 33,500	TRANSFER TO 6510 FROM 1420
04-1420-700-K821-9651	K821G	\$ 510,000	\$ 254,778	\$ 764,778	TRANSFER TO 6510 FROM 1420
<b>TOTAL</b>		\$ 510,000	\$ 339,508	\$ 849,508	
<b>CONTROL TOTAL</b>		\$ -	\$ -	\$ -	

Although the CFF program includes Capital improvements for the Bus Fund (Bus Maintenance Facility, Expansion Buses, & Expansion Bus Stop Improvements, these funds were not budgeted in the FY04 Capital Improvement Program. The proposed transfers facilitates the transfer of the these funds to the appropriate projects.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds)		
Budget Officer For (Budgeted Dept Revenues)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -317**

**A RESOLUTION APPROVING RENEWAL OF EXCESS WORKERS'  
COMPENSATION INSURANCE AND AUTHORIZING HE CITY MANAGER  
TO EXECUTE THE RENEWAL AGREEMENT FOR THE INSURANCE**

WHEREAS, the City of Modesto has participated in the workers' compensation excess insurance pool, California Public Employers Insurance Authority (CPEIA), since July 1, 2002, and

WHEREAS, renewal of City's excess workers' compensation insurance is due on July 1, 2004, and

WHEREAS, staff has received an initial quote that provides for a rate increase due to the pool's loss experience and the City of Modesto's loss experience in particular, and

WHEREAS, our Broker of Record, Driver Alliant, was unable to obtain a better price in the commercial insurance market, and

WHEREAS, based upon prior policy direction received from Council, staff will bind Insurance coverage through the City's broker at \$750,000 self-insured retention.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Risk Manager is hereby authorized to bind excess workers' compensation insurance coverage in the amount of \$244,127 as presented by the City's Broker of Record.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the renewal agreement for excess Workers' Compensation Insurance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 318**

**A RESOLUTION AUTHORIZING THE RISK MANAGER TO BIND  
PROPERTY AND BOILER & MACHINERY INSURANCE FOR THE CITY OF  
MODESTO OWNED AND/OR OPERATED PROPERTIES AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE THE RENEWAL AGREEMENT FOR  
THE INSURANCE**

WHEREAS, since 1993, Driver Alliant Insurance Services has been the Broker of Record for the City's property-related needs, and

WHEREAS, Driver has developed a joint-purchasing group of clients called PEPiP (Public Entity Property Insurance Program) which includes over 4,400 public entities in 7 different states, and

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

WHEREAS, renewal of said insurance is due on June 30,2004 and

WHEREAS, staff has received the initial renewal quote that provides for a rate decrease of 3.16% for property and boiler & machinery coverage due to stabilization in the market and City of Modesto's favorable loss record, and

WHEREAS, based upon policy direction from Council, staff will bind the insurance coverage through PEPiP, at the cost of \$216,754.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Risk Manager is hereby authorized to bind property and boiler & machinery insurance coverage in the amount of \$216,754 as presented by the City's Broker of Record pursuant to Council direction.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the renewal agreement for property and boiler & machinery insurance coverage and pay the quoted premiums.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

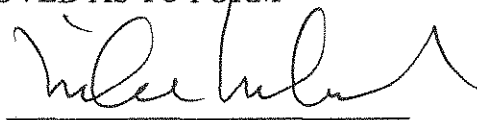


JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By:



Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-319**

**A RESOLUTION APPROVING THE REQUEST FROM THE WEST MODESTO  
KING KENNEDY NEIGHBORHOOD COLLABORATIVE FOR A TOTAL OF  
\$175,000 IN CDBG FUNDS FOR A NEW “COLLABORATIVE  
NEIGHBORHOOD CENTER HEADQUARTERS” AT MELLIS PARK, AND  
AUTHORIZING STAFF TO NEGOTIATE A LEASE AGREEMENT.**

WHEREAS, on October 26, 2001, the Citizens Housing and Community Development Committee (CH&CDC) approved a request by the Collaborative to use \$125,000 of Community Development Block Grant (CDBG) funds to acquire property to establish a new or expanded headquarters for their administrative offices and program activities, and

WHEREAS, since the time of this approval, the Collaborative has looked at many properties to “house” their offices and activities; however, they have been unsuccessful in obtaining any solid leads on properties suitable for their purposes, in an appropriate location, and

WHEREAS, during the search for properties, the staff of the Collaborative started meeting with City staff to discuss the possibility of expanding the King Kennedy Memorial Center (KKMC); after a few meetings, staff of the Collaborative and City both agreed that there would be significant benefit to the community, as well as both organizations, to be located in the same area, and

WHEREAS, after further review, both the Collaborative and the City realized that a separate building, detached from the KKMC, would better serve as the Collaborative headquarters; this building would serve as a meeting place and program location, open to the public, to take advantage of the Collaborative programs, and

WHEREAS, the Collaborative building would include the following features:

- Offices for the Collaborative staff
- Meeting and conference rooms
- Restroom facilities
- Storage area
- Small kitchenette area

and,

WHEREAS, during the past 12 months, the Collaborative has been working to find additional funding to contribute to the construction and furnishing of the building; one funding source the Collaborative has been actively pursuing is the Cowell Foundation, and

WHEREAS, in February, representatives from the Cowell Foundation visited Modesto in order to conduct a site visit to evaluate the Collaborative, their work, as well as their relationships within the community, and

WHEREAS, the site visit was very successful that the Cowell Foundation has tentatively committed to fund the Neighborhood Headquarters and other Collaborative projects, and

WHEREAS, in order to receive the full commitment from the Cowell Foundation, (valued at approximately \$325,000), the Collaborative needs to secure an additional \$150,000 in matching funds; in order to meet this mandate set forth by the Cowell Foundation, the Collaborative has requested an additional \$50,000 from the City of Modesto and is also requesting \$100,000 from the County of Stanislaus, and

WHEREAS, the Community Housing and Citizens Development Committee (CH&CDC) approved this request on May 14, 2004, increasing the total City contribution to the Collaborative for their "Headquarters Project" to \$175,000; in addition, the local representatives from the American Institute of Architects (AIA) will be donating all

services from the pre-design service to construction drawing to the project; this donation represents a large investment from the local AIA community, and

WHEREAS, the Collaborative also has to receive City Council verification of their proposed lease with the City of Modesto for the land where their building will be located, and

WHEREAS, the City and Collaborative staffs need to verify that each agency is willing to agree to a \$1.00 per year lease for 98 years in order for the Collaborative to receive the funds from the Cowell Foundation; the Foundation wants to make sure both the City and the Collaborative are committed to a long-standing relationship, and

WHEREAS, when the lease is completed, staff will bring the item back to City Council for a full review of the terms; the lease agreement will include language that, in the event the West Modesto King-Kennedy Neighborhood Collaborative ceases to exist for the stated purposes (social and health services open to the public), the Collaborative can assign the lease to another non-profit organization that serves the community in a similar manner, if approved by the Collaborative and the Modesto City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the West Modesto King Kennedy Neighborhood Collaborative (Collaborative) for a total of \$175,000 in CDBG funds (in FY 2004-2005) for a new "Collaborative Neighborhood Center Headquarters" at Mellis Park.

BE IT FURTHER RESOLVED that the Council hereby authorizes staff to negotiate a lease agreement with the West Modesto King Kennedy Neighborhood Collaborative for \$1.00 per year for ninety-eight (98) years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-320**

**A RESOLUTION APPROVING A THIRD AMENDMENT TO AGREEMENT  
WITH MODESTO SISTER CITIES INTERNATIONAL TO DECREASE  
FUNDING FOR FISCAL YEAR 2004-05 BY 10%, AND AUTHORIZING THE  
CITY MANAGER TO EXECUTE THE THIRD AMENDMENT.**

WHEREAS, in 1996, the City of Modesto entered into an agreement with Modesto Sister Cities International (MSCI) for MSCI to administer Modesto's Sister City program, and

WHEREAS, the City agreed to compensate MSCI \$31,600 annually to administer the Sister City program, and

WHEREAS, said annual compensation remained the same until FY 02-03, when MSCI agreed to accept a 5% budget cut due to budgetary constraints, and

WHEREAS, the City Council recommended a 10% budget reduction to MSCI for the Fiscal Year 2003-04, and

WHEREAS, MSCI agreed to a 10% decrease and accepted payment in the amount of \$28,440 for Fiscal Year 2003-04, and

WHEREAS, a 10% reduction in funding to MSCI is again included as part of the adoption of the Fiscal Year 2004-05 budget, and

WHEREAS, MSCI has again agreed to a 10% decrease and accepted payment in the amount of \$28,440 for Fiscal Year 2004-05,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Third Amendment to Agreement with Modesto Sister Cities International to decrease funding by 10% from \$31,600 annually to \$28,440 for Fiscal Year 2004-05.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Third Amendment to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-321**

**A RESOLUTION APPROVING A THREE-YEAR RENEWAL AGREEMENT WITH COMMUNITY REINVESTMENT FUND, INC. FOR LOAN SERVICING OF EXISTING AND FUTURE LOANS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City's current loan portfolio includes housing rehabilitation loans, down payment assistance loans, HOME loans, Redevelopment Agency loans, and tracking of Capital Facilities Fees and Deferrals, and

WHEREAS, during an audit of the Finance Department in 1993, it was recommended that the loan portfolio be serviced by an outside company; in November 1993, the City Council authorized the City Manager to execute a two-year agreement for loan servicing with Community Reinvestment Fund, Inc. (CRF), located in Minneapolis; this agreement has been renewed every two years, and

WHEREAS, the current agreement for loan servicing was approved by City Council on July 23, 2002, by Resolution No. 2002-350, and

WHEREAS, in February 2004, a Request for Qualifications for Loan Servicing was made available to all known servicing companies; the City received proposals from two companies: Community Reinvestment Fund, Inc. (CRF), and Loan Service Center (LSC), Atlanta, and

WHEREAS, the proposals were evaluated by a staff committee, in the categories of pricing, completeness of the RFQ, customer service, and stability of the company; staff also analyzed loan servicing activity using data from three separate months during last year, and compared the proposed pricing for CRF and LSC for these months, and

WHEREAS, each member of the evaluation committee scored CRF higher than LSC in each category, and the monthly fees for CRF averaged 47% of the proposed LSC pricing, resulting in the recommendation of CRF as the continued loan servicer for the City, and

WHEREAS, CRF is a nonprofit organization that began operations in 1989 to provide capital to community development lenders in low- to moderate-income communities; their core service is to purchase loans so that the funds can be reinvested in the community, and

WHEREAS, the CRF loan servicing includes the processing of monthly payments, sending payment coupons to customers, a toll free number for customers, collection efforts on past due loans, insurance tracking, processing of demand statements and subsequent payoffs, monthly reports to the City, and a monthly check to the City for funds collected on the serviced loans, and

WHEREAS, the City will remain responsible for collection efforts on loans past due more than 90 days, follow-up for needed fire insurance, and releasing all liens for loans that have been paid, and

WHEREAS, the agreement will be a three-year agreement and will expire on June 30, 2007, and

WHEREAS, the Housing Rehabilitation Loan Committee reviewed and supported this action at its May 6, 2004, meeting, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed and supported this action at its May 14, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a three-year renewal agreement with Community Reinvestment Fund, Inc. for loan servicing of existing and future loans.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager, or his designee, to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 322**

**A RESOLUTION ESTABLISHING THE CALCULATION FOR THE  
APPROPRIATION LIMIT FOR THE FISCAL YEAR 2004-2005 ANNUAL  
BUDGET**

WHEREAS, the Annual Budget of the City of Modesto is recommended for adoption, and Proposition 4 of the California State Constitution requires the City to establish an appropriation limit calculation for the Fiscal Year 2004-2005, and

WHEREAS, Article XIII B of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population factors to be used and the appropriation limit with the recommended factors in calculating the limit are the price factor of "state growth in per capita income" and the population factor of "growth rate in Stanislaus County", and

WHEREAS, a copy of said report is on file in the City of Modesto Finance Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit calculation is established as shown on **Attachment A**, attached hereto, and made a part hereof.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

EXHIBIT "G"  
 FY2004-2005  
 PROPOSITION 4  
 APPROPRIATION LIMIT CALCULATION

FY2003-2004 Appropriation Limit	\$251,886,032
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Adjustment Factors

Per Capita Personal Income Change	3.28%
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Population Change (Modesto)	1.32%
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Per Capita converted to a ratio	1.0328
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Population converted to a ratio	1.0132
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Calculation of factor for FY2004-2005	1.0464
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Adjustment	\$11,687,512
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FY2004-2005 Appropriation Limit	<u><u>\$263,573,544</u></u>
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Article XIII B places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit. Enterprise fund expenditures for fiscal year 2004/05 are estimated to be \$102 million. We are significantly below the limit when we exclude these expenditures from the calculation.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-323**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(566) (SIGNATURE THEATRES)**

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Signature Theatres on December 17, 2003, to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(566), to allow expansion of an existing movie theater, property located at 3969 McHenry Avenue, described as follows:

All that portion of the northeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 8, Township 3 South, Range 9 East, M.D.B. & M., City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel A of that certain Map filed in Vol. 25 of Parcel Maps at Page 37, Stanislaus County Records;

Also including the Westerly  $\frac{1}{2}$  of McHenry Avenue, all being adjacent to the above-described property.

WHEREAS, after a public hearing held on April 19, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-22, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The project site is large enough to accommodate the proposed planned development zone for movie theaters and associated off-street parking, and is located on a principal arterial (which is also a State highway), and therefore will not result in adverse impacts to the adjacent residential neighborhoods.
2. Due to the specifics of the existing and proposed site design features (masonry wall separating residential, reduction in number of drive-ways), the proposed Planned Development Zone is compatible with existing and potential surrounding development.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 25, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Signature Theatres for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-22 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3352-C.S. on the 25<sup>th</sup> day of May, 2004, reclassifying the above-described property from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(566).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(566), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled "Signature Theatres 14-Screen Cinema Renovation" as amended in red, stamped approved by the City Council, including extension of the north (inbound) side of the center and south driveways, consistent with City of Modesto Standard Specifications Table 10.2.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as

approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.

5. Existing overhead and underground electric facilities shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director.
6. Street dedication consistent with Standard Specifications, and as shown on the approved site plan, shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. Ten-foot-wide public utility easements and four-foot planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the Engineering and Transportation Director.
9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
10. All signs shall comply with the sign requirements of the C-3 Zone.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
12. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

13. At the time McHenry Avenue is widened, and the public improvements along the theater parcel frontage are relocated, the developer shall physically modify the project site to provide a minimum eight-foot-net landscaped setback for all parking areas along McHenry Avenue

In addition, the following mitigation measures from the approved Modesto Urban Area General Plan Master EIR should be included as Conditions of Approval:

14. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
15. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
16. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."
17. The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):
  - a. A hammer, or any other device or implement used to pound or strike an object.
  - b. An impact wrench, or other tool or equipment powered by compressed air.
  - c. A hand-powered saw.
  - d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
  - e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

- f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
  - g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
  - h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
18. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the State CEQA Guidelines.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(566):

The entire construction program be accomplished in one phase, construction to begin on or before May 25, 2006, and completion to be not later than May 25, 2008.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(566), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: Steve Mitchell & CO  
Community & Economic Development  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-324**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 8-3-9 OF THE ZONING MAP TO REZONE FROM HIGHWAY COMMERCIAL ZONE, C-3, TO PLANNED DEVELOPMENT ZONE, P-D(566), PROPERTY LOCATED AT 3969 McHENRY AVENUE (SIGNATURE THEATRES)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Signature Theatres has proposed the zoning designation for the property located at 3969 McHenry Avenue be amended to rezone from Highway Commercial, C-3, to Planned Development Zone, P-D(566), in the City of Modesto (“the project”), to allow expansion of an existing movie theater, and

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

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2004-23 (“Initial Study”) reviewed the proposed amendment to the zoning map and rezone to P-D(566) project to determine whether the project is within the scope of the project covered by the

Modesto Urban Area General Plan Master EIR (“Master EIR”), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no or new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on May 4, 2004, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 25, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the zoning map and rezone to P-D(566) project, a copy of which is attached hereto as **Exhibit “A”**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.
2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED No. 2004-23

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. 2004-23**

**For the proposed:**

**Rezone to Planned Development for  
Signature Theatres expansion**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**March 31, 2004**

# City of Modesto

## Master EIR Initial Study Checklist

### I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the proposed SKW office addition is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

### II. PROJECT DESCRIPTION

- A. Title: Rezone to Planned Development for Signature Theatres Expansion
- B. Address or Location: 3969 McHenry Avenue
- C. Applicant: Signature Theatres  
1600 Broadway, Suite 150  
Oakland CA 94612
- D. City Contact Person:
- Project Manager: Brad Wall  
Department: Community & Economic Development  
Phone Number: (209) 577-5282  
E-mail address: bwall@modestogov.com
- E. Current General Plan Designation: C – Commercial

- F. Current Zoning Classification(s): C-3, Highway Commercial
- G. Surrounding Land Uses: North: Mobile home park  
 South: Mini-storage  
 East: McHenry Avenue / Commercial  
 West: Single-family residential
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):
- The applicant seeks plot plan approval for a four-screen, 12,328 square-foot, addition to an existing ten-screen movie theater complex. The project site is in an urbanized area, surrounded by a mixture of residential and commercial uses.
- I. Other Public Agencies Whose Approval is Required: None

### III. FINDINGS / DETERMINATION

The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
- D. Based on the Initial Study, the City of Modesto finds and determines:
- a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b) No new or additional mitigation measures or alternatives are required.
- E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

  
 Project Manager

ASSOCIATE PLANNER 3/31/04  
 Title Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures contained within the Master EIR. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

#### 5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any negative response must be discussed.

- |  | YES | NO                       |
|--|-----|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project. | X   | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project.       | X   | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.                               | X   | <input type="checkbox"/> |

(4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available. X

(5) Policies that require site-specific mitigation remain in place, in addition to avoidance or other mitigation of impacts as a prerequisite to future development. X

#### IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 buildout of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

##### 1. TRAFFIC AND CIRCULATION

###### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| (1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Where a project exceeds an additional 100 ADT contribution, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) Result in inadequate emergency access.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) Result in inadequate parking capacity.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The proposed project would generate less than 100 ADT, and would have no impact relative to transportation system design, incompatible uses, and emergency access, nor would it result in inadequate parking capacity.

**2. AIR QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.	<input type="checkbox"/>	X
(1)	The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.	<input type="checkbox"/>	X
(2)	The project does not comply with the air quality policies of the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(4)	The project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	X

- (5) The project would create objectionable odors affecting a substantial number of people.  X

Discussion:

The proposed project would not result in long-term air quality-related impacts, as it is simply an addition to an existing office building. However, in order to minimize any short-term air quality-related impacts associated with construction, the appropriate mitigation measures will be applied from the MEIR.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to exceed the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. New measures are listed in Section V: Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance. | <input type="checkbox"/> | X  |
| (2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.     | <input type="checkbox"/> | X  |

- (3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  X
- (4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.  X

Discussion:

The proposed project will not result in any substantial increase in noise levels that exist without the project, and construction-related noise is limited per the City of Modesto Municipal Code. The appropriate mitigation measures will be applied from the MEIR.

**4. AGRICULTURAL LANDS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Pertinent to the Project**

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- YES NO
- (1) The project is inconsistent with the Modesto Urban Area General Plan.  X

- (2) The project will directly result in the development of land outside the March 2003 planning area boundaries.  X
- (3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.  X
- (4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.  X

Discussion:

The proposed project is in an urbanized area, and will have no effect on agricultural lands of any kind.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |     |   | YES                      | NO |
|-----|---|--------------------------|----|
| (1) | The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) | Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. | <input type="checkbox"/> | X  |

Discussion:

Water supplies are available to serve the proposed development.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project will result in a determination by the wastewater treatment provider who serves or may serve the project that there is not adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	X

Discussion:

The City of Modesto wastewater infrastructure has adequate capacity to serve the proposed project.

**7. SENSITIVE WILDLIFE AND PLANT HABITAT**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.	<input type="checkbox"/>	X
(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	X

Discussion:

The proposed office addition would not have any impact on wildlife nor plant habitat.

**8. ARCHAEOLOGICAL OR HISTORICAL SITES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site.	<input type="checkbox"/>	X

Discussion:

The proposed office building expansion would have absolutely no impact whatsoever on archaeological / historical sites.

**9. STORM DRAINAGE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions;

regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.	<input type="checkbox"/>	X
(3)	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

The proposed office building addition would not substantially increase the rate nor amount of surface runoff. Furthermore, the storm water drainage system will accommodate all on-site runoff.

## 10. FLOODING AND WATER QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	X
(3)	The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	X
(4)	The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

The proposed project is subject to all City of Modesto storm water quality control requirements.

**11. PARKS AND OPEN SPACE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

## 12. SCHOOLS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures, which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

Discussion:

The proposed office expansion would have no impact to schools.

**13. POLICE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

#### Discussion:

The proposed project would have no effect relative to provision of police services.

## 14. FIRE SERVICES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds: The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	X

Discussion:

The proposed project would have no effect relative to provision of fire services.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.	<input type="checkbox"/>	X

Discussion:

The proposed project will have not impact relative to solid waste.

**16. HAZARDOUS MATERIALS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.	<input type="checkbox"/>	X
(3)	The project contains a contaminated site not identified as of March 2003.	<input type="checkbox"/>	X
(4)	The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	X
(5)	The project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	X

Discussion:

The proposed project would have no impacts relative to hazardous materials.

**17. LANDSLIDES AND SEISMIC ACTIVITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures

appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	<input type="checkbox"/>	X

#### Discussion:

The proposed office addition would have no potential to increase risks associated with landslides or seismic activity.

## 18. ENERGY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be

incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |

**19. PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.                | <input type="checkbox"/> | X  |
| (2) The project includes a substantive amendment to the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |
| (3) The project would physically divide an established community                         | <input type="checkbox"/> | X  |

Discussion:

The proposed office addition is consistent with the Modesto Urban Area General Plan, and would not physically divide an established community.

**20. AESTHETICS**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning

policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	X
(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.	<input type="checkbox"/>	X
(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.	<input type="checkbox"/>	X

**V. MITIGATION MEASURES APPLIED TO THE PROJECT**

**A. Master EIR Mitigation Measures Applied to the Project**

Pursuant to CEQA Section 21157.1(c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

Traffic and Circulation Measures: N/A

Air Quality Measures:

- A. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
- B. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

**Noise Measures:**

The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
8. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

**Agricultural Land Measures:** N/A

**Water Supply Measures:** N/A

**Sanitary Sewer Service Measures:** N/A

**Sensitive Wildlife and Plant Habitat Measures:** N/A

**Archaeological or Historic Sites Measures:**

If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the State CEQA Guidelines.

**Storm Drainage Measures:** N/A

**Flooding and Water Quality Measures:** N/A

**Parks and Open Space Measures:** N/A

**Schools Measures:** N/A

**Police Services:** N/A

**Fire Services:** N/A

**Generation of Solid Waste:** N/A

**Generation of Hazardous Materials:** N/A

**Potential for Landslides and Seismic Activity:** N/A

**Energy:** N/A

**Planning and Land Use:** N/A

**Aesthetics:** N/A

## **B. New or Additional Mitigation Measures or Alternatives Required**

Where the project's effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-325**

**A RESOLUTION DENYING THE APPEAL OF ANTHONY LANGFORD TO A  
PLANNING COMMISSION DECISION APPROVING THE PAPILLON PARK  
VESTING TENTATIVE SUBDIVISION MAP**

WHEREAS, Modesto Municipal Code Section 4-4.404 authorizes the Planning Commission to take action on proposed subdivision maps, and

WHEREAS, on February 9, 2004, Marilyn Shroyer submitted an application for a vesting tentative subdivision map entitled Papillon Park, and

WHEREAS, the Planning Commission considered the application at its regularly scheduled meeting on April 19, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission continued the hearing to May 17, 2004, in order to allow the applicant an opportunity to discuss design alternatives with his client, and

WHEREAS, the continued Planning Commission hearing was held on May 17, 2004, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission approved the vesting tentative subdivision map entitled Papillon Park, because the proposed subdivision map, together with the provisions for design and improvements, was deemed consistent with the Modesto Urban Area General Plan, the City of Modesto Municipal Code and State of California Subdivision Map Act, and

WHEREAS, an appeal to the Planning Commission's approval of the Papillon Park vesting tentative subdivision map was filed with the Office of the City Clerk by

Anthony Langford, together with other residents of the Havenbrook neighborhood, on May 25, 2004, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at 5:30 p.m. on June 22, 2004, and

WHEREAS, after said public hearing the Council of the City of Modesto found and determined that the appeal to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the following reason:

The proposed vesting tentative subdivision map entitled Papillon Park, together with the provisions for its design and improvements, is consistent with the Modesto Urban Area General Plan, the City of Modesto Municipal Code, and the State of California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Anthony Langford, and the other residents of the Havebrook neighborhood to the decision of the Planning Commission approving the Papillon Park vesting tentative subdivision map is denied and the decision of the Planning Commission is hereby affirmed for the reasons set forth in Planning Commission Resolution No. 2004-27 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-326**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE DISTRICT (ANNEXATION NO. 2)**

WHEREAS, this Council did, on May 11, 2004, adopt its Resolution No. 2004-249 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon; and

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

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 2 of Community Facilities District No. 2004-1 ("Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on May 21, 2004, in the Office of the County Recorder of the County of Stanislaus, in Book 3 of Maps of Assessment and Community Facilities Districts, at page 91; and

WHEREAS, at the time and date set for the hearing (June 22, 2004) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by fifty percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory; and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form attached hereto as **Exhibit A**.

SECTION 6. Fewer than twelve (12) persons have been registered to vote within the Annexed Territory for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the owners of land in the Annexed Territory (collectively, the "Landowners"), the election shall be held on the 22<sup>nd</sup> day of June 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowners.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the landowners.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter, order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

SAMPLE

OFFICIAL BALLOT

BALLOT NO. \_\_\_\_

CITY OF MODESTO  
COMMUNITIES FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)

ANNEXATION NO. 2

SPECIAL TAX ELECTION

June 22, 2004

\_\_\_\_% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT  
NUMBER OF VOTES ENTITLED TO BE CAST \_\_\_\_  
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-249, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 2)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on May 11, 2004, for the purposes set forth in the Resolution of Formation?

YES

NO

BALLOT NO. \_\_\_\_

\_\_\_\_% of land in territory proposed to be annexed to District  
THIS BALLOT HAS A VALUE OF \_\_\_\_ VOTES

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-327**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
CANVASSING THE RESULTS OF THE JUNE 22, 2004, ELECTION HELD WITHIN  
THE TERRITORY PROPOSED TO BE ANNEXED TO CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), AND  
ORDERING ANNEXATION OF THE TERRITORY TO THE DISTRICT  
(ANNEXATION NO. 2)**

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2004-249, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein [Annexation No. 2]" adopted on May 11, 2004, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2004-326, adopted on June 22, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for June 22, 2004, relative to the foregoing; and

WHEREAS, on June 22, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

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

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2004-249 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

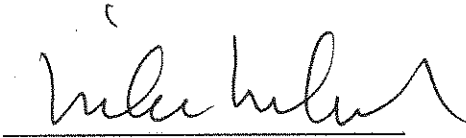
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO FORM

By: 

Michael D. Milich, City Attorney

**CERTIFICATE OF CITY CLERK**

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-326, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 2) adopted on June 22, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on June 22, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

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

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-249, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 2)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on May 11, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST: YES 125 NO 0

  
\_\_\_\_\_  
Jean Zahr  
City Clerk of the City of Modesto

Dated: June 25, 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-328**

**A RESOLUTION APPROVING AN ACQUISITION AND SHORTFALL  
AGREEMENT WITH DEL VALLE HOMES, A CALIFORNIA CORPORATION**

WHEREAS, the City Council has conducted proceedings pursuant to Mello-Roos Community Facilities Act of 1985 to form City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the “District”); and

WHEREAS, in connection therewith there has been presented to this City Council the form of an Acquisition and Shortfall Agreement (the “Agreement”) by and between the District and Del Valle Homes, a California Corporation (the “Developer) for the construction and acquisition of authorized facilities; and

WHEREAS, the maximum reimbursement amount of the Agreement is \$1,055,136.05;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Council of the City of Modesto that the Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and Del Valle Homes, a California Corporation, be hereby approved, that the District Administrator is hereby authorized to execute the Acquisition and Shortfall Agreement and that the maximum reimbursement amount shall not exceed \$1,055,136.05.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-329**

**A RESOLUTION APPROVING AN ACQUISITION AND SHORTFALL  
AGREEMENT WITH DEL VALLE HOMES, A CALIFORNIA CORPORATION**

WHEREAS, the City Council has conducted proceedings pursuant to Mello-Roos Community Facilities Act of 1985 to form City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the "District"); and

WHEREAS, in connection therewith there has been presented to this City Council the form of an Acquisition and Shortfall Agreement (the "Agreement") by and between the District and Del Valle Homes, a California Corporation (the "Developer) for the construction and acquisition of authorized facilities; and

WHEREAS, the maximum reimbursement amount of the Agreement is \$8,732,972.72;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Council of the City of Modesto that the Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and Del Valle Homes, a California Corporation, be hereby approved, that the District Administrator is hereby authorized to execute the Acquisition and Shortfall Agreement and that the maximum reimbursement amount shall not exceed \$8,732,972.72.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-330**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO,  
ACTING AS THE LEGISLATIVE BODY OF CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE),  
AUTHORIZING THE SALE AND ISSUANCE OF SPECIAL TAX BONDS OF  
SAID COMMUNITY FACILITIES DISTRICT, APPROVING DOCUMENTS  
RELATING THERETO AND AUTHORIZING AND DIRECTING CERTAIN  
RELATED ACTIONS**

WHEREAS, the City Council of the City of Modesto acting as the legislative body of City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (hereinafter sometimes referred to as the “legislative body of the Community Facilities District” or the “City Council”) has heretofore undertaken proceedings and declared the necessity to issue bonds on behalf of City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the “Community Facilities District”) pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California (the “Act”); and

WHEREAS, based upon a resolution adopted by the legislative body of the Community Facilities District on December 11, 2003 and an election held on December 11, 2003 authorizing the issuance of bonds by the Community Facilities District, the Community Facilities District is now authorized to issue bonds in one or more series, pursuant to the Act, in an aggregate principal amount not to exceed \$25,000,000; and

WHEREAS, the legislative body of the Community Facilities District intends to accomplish the financing of the purchasing, constructing, expanding, improving or rehabilitating certain public improvements and appurtenances and appurtenant work in connection with the foregoing (the "Facilities") and the incidental expenses incurred and to be incurred in connection with financing the facilities, including costs associated with the creation of the Community Facilities District and the issuance of bonds and the establishment of a bond reserve fund (the "Incidental Expenses") through the issuance of bonds designated as the "City of Modesto Community Facilities District No. 2003-1 (Fairview Village) Special Tax Bonds Series 2004" (the "Bonds"); and

WHEREAS, the Community Facilities District has determined all requirements of the Act for the issuance of the Bonds have been satisfied; and

WHEREAS, in connection with the authorization, sale and issuance of the Bonds and the acquisition and construction of the facilities, forms of the following documents have been presented to this City Council for approval:

1. the Trust Indenture, dated as of July 1, 2004, by and between BNY Western Trust Company, as trustee (the "Trustee"), and the Community Facilities District (the "Indenture");
2. the Continuing Disclosure Agreement, dated as of July 1, 2004 by and between BNY Western Trust Company as dissemination agent (the "Dissemination Agent"), and the Community Facilities District (the "Continuing Disclosure Agreement");
3. the Preliminary Official Statement relating to the Bonds (the "Preliminary Official Statement"); and
4. the Bond Purchase Agreement relating to the Bonds (the "Bond Purchase Agreement") by and between the Community Facilities District and UBS Financial Services Inc. (the "Underwriter"); and

WHEREAS, the rate and method of apportionment of special tax heretofore approved for the Community Facilities District (the “Rate and Method of Apportionment”) is unclear with respect to the includability of amounts to pay “Administrative Expenses” in the “Annual Facilities Special Tax Requirement” (as each such term is defined in the Rate and Method of Apportionment), and the City Council wishes to make it clear that such amounts are includable therein;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO, ACTING AS THE LEGISLATIVE BODY OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE), DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:**

SECTION 1. The above recitals, and each of them, are true and correct.

SECTION 2. The proposed forms of the Indenture and the Continuing Disclosure Agreement are hereby approved; and the District Administrator and the City Clerk are hereby authorized and directed for and in the name and on behalf of the Community Facilities District to execute, acknowledge and deliver to the respective other parties, the Indenture and the Continuing Disclosure Agreement in substantially said forms, with such additions thereto, completions thereof and/or changes therein as the officers executing the same may approve as necessary or desirable (consistent with the provisions of this Resolution and with form of the Bond Purchase Agreement approved pursuant hereto), such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. The issuance of the Bonds pursuant to the Indenture in an aggregate principal amount (not in excess of \$5,000,000) approved by the District Administrator or his or her designee (the "District Administrator") as being necessary and appropriate in order to provide financing for the Facilities and the Incidental Expenses and to fund the various funds and accounts created by the Indenture in the amounts described in the Preliminary Official Statement (or as determined by the District Administrator), is hereby authorized. The Bonds shall mature on the dates and in the amounts, and bear interest at the rates, set forth in the Bond Purchase Agreement to be executed on behalf of the Community Facilities District in accordance with Section 8 hereof. The sum of (i) the aggregate principal amount of the Bonds so authorized plus (ii) the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on such property (as shown in the Preliminary Official Statement under the caption "THE COMMUNITY FACILITIES DISTRICT – Direct and Overlapping Debt") does not exceed one-third of the value of the property within the Community Facilities District that will be subject to the Special Tax, as such value is estimated in an appraisal prepared for the Community Facilities District by Bender Rosenthal, Inc. of Sacramento, California (a copy of which is set forth in Appendix B to the Preliminary Official Statement).

SECTION 4. In connection with the issuance of the Bonds, the District Administrator is hereby authorized and directed for and in the name and on behalf of the Community Facilities District to execute, acknowledge and deliver to the respective other parties such additional agreements, as the officer executing the same may approve

(including, but not limited to an Investment Agreement, as defined in the Indenture) as necessary or desirable to provide reductions in the yields of Bonds or additional debt service relief or cash flow savings or increased payments to the Community Facilities District, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 5. The form of the Bonds, as set forth in the form of the Indenture (as the Indenture may be modified pursuant to Section 2 hereof), is hereby approved; and the Mayor and the City Clerk are hereby authorized and directed to execute them by manual or facsimile signature in the name and on behalf of the Community Facilities District.

SECTION 6. The proposed form of the Preliminary Official Statement is hereby approved with such changes thereto as may be approved by the District Administrator in order to make such Preliminary Official Statement final as of its date, except for the omission of certain information, as permitted by Section 240.15c2-12(b)(1) of Title 17 of the Code of Federal Regulations (the "Rule"); and the distribution of the Preliminary Official Statement in connection with the sale of the Bonds, with such changes included, is hereby authorized. The District Administrator is authorized and directed to execute and deliver a certificate relating to compliance with the Rule. The Mayor and the District Administrator are each authorized and directed, jointly and severally, to execute and deliver to the Underwriters a final Official Statement in substantially the form of the Preliminary Official Statement hereby approved with such changes as may be approved by the officer executing said document as necessary or desirable, such approval to be conclusively evidenced by the execution and delivery thereof; and the distribution of such final Official Statement in connection with the sale of the Bonds is hereby authorized.

SECTION 7. In accordance with the provisions of Section 53360.4 of the Act, the City Council hereby finds and determines that a negotiated sale of the Bonds to the Underwriters in accordance with the terms of the Bond Purchase Agreement will result in a lower overall cost to the Community Facilities District than a sale conducted pursuant to Section 53360 of the Act.

SECTION 8. The proposed form of the Bond Purchase Agreement and the sale of the Bonds pursuant thereto are hereby approved, provided that (a) the aggregate purchase price of the Bonds (exclusive of any original issue discount) shall not be less than ninety-eight percent (98%) of the original aggregate principal amount of the Bonds, (b) any original issue discount shall conform to the City's policies with respect thereto, (c) the true interest cost of the Bonds shall not exceed six and three quarters percent (6.75%), (d) the final maturity of the Bonds shall be not later than September 1, 2034 and (e) the maturity dates and purchase price of and interest rates and original issue discount applicable to the Bonds shall have been approved by the District Administrator; and, subject to such approval, the District Administrator is hereby authorized and directed to evidence the Community Facilities District's acceptance of the offer made by said Bond Purchase Agreement by executing and delivering to the Underwriters said Bond Purchase Agreement in said form with such changes therein as the officer executing the same may approve as necessary or desirable, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 9. In voting to approve the Rate and Method of Apportionment, the City Council intended that the Rate and Method of Apportionment should provide for the payment of "Administrative Expenses" in the same manner as is provided for the

payment of administrative expenses in the rate and method of apportionment of special tax applicable to City of Modesto Community Facilities District No. 2004-1 (Village One #2). That rate and method of apportionment of special tax permits the proceeds of the annual tax for facilities to be used to pay for administrative expenses. Del Valle Capital Corporation, Inc., the owner of all of the taxable property within the Community Facilities District (the "Owner"), which cast all of the votes at the election that approved the Rate and Method of Apportionment, has advised the City Council that it intended a similar result in voting for the Rate and Method of Apportionment. Moreover, the last paragraph of Section F of the Rate and Method of Apportionment clearly contemplates that the "Annual Facilities Special Tax" may be used to pay for "Administrative Expenses;" and all of the analysis of the financing capacity of the Community Facilities District that were presented to the Owner on behalf of the Community Facilities District included "Administrative Expenses" in the calculation of the maximum "Annual Facilities Special Tax." In order to make it clear that the "Annual Facilities Special Tax" may be used to pay for "Administrative Expenses," the phrase "Annual Facilities Special Tax Requirement" should be interpreted to include amounts necessary to pay "Administrative Expenses," and the City Council hereby adopts that interpretation and authorizes and directs the District Administrator and all other officers, employees and agents of the Community Facilities District to apply and administer the Rate and Method of Apportionment consistently therewith. Terms in this Section that appear in quotation marks shall have the respective meanings ascribed to them in the Rate and Method of Apportionment.

SECTION 10. In the event the Mayor is unavailable to execute and deliver any of the documents that the Mayor is authorized and directed to execute and deliver pursuant to the terms of this Resolution, then any other member of this City Council is hereby authorized and directed to do so. In the event that the District Administrator is unavailable to execute and deliver any of the documents that the District Administrator is authorized to execute and deliver pursuant to the terms of this Resolution, then each of the City Manager and the designee of the District Administrator is hereby authorized and directed to do so.

SECTION 11. The Mayor and the District Administrator and other officers of the City of Modesto are hereby authorized and directed, jointly and severally, to execute and sign any and all approvals, certificates, statements, requests, requisitions and orders of the Community Facilities District in connection with the issuance of the Bonds; and any action specifically authorized or directed by this Resolution to be undertaken by any of such officers may be undertaken by either of the others with the same force and effect as if it had been undertaken by the officer specifically authorized or directed to do so.

SECTION 12. If and to the extent that any provision of this Resolution or of any of the documents approved pursuant hereto is inconsistent with the City's policies and procedures for the formation, annexation and administration of community facilities districts, said policies and procedures are hereby waived.

SECTION 13. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of

such section, paragraph or provision shall not affect any remaining provisions of this Resolution.

SECTION 14. This Resolution shall take effect from and after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-331**

**A RESOLUTION RECOGNIZING  
“JULY IS RECREATION AND PARKS MONTH”**

WHEREAS, July is the month nationwide that kicks off the summer season; whether playing sports, visiting our local parks, participating in recreation programs or just spending time outdoors, July is a great time for families and friends to enjoy all of the park and recreation amenities Modesto has to offer, and

WHEREAS, that is why the Modesto City Council has joined forces with the National Recreation and Park Association, the California Park and Recreation Society and cities nationwide to designate July as “Recreation and Parks Month”, and

WHEREAS, the National Recreation and Park Association, the California Park and Recreation Society and City of Modesto are creating community and enhancing neighborhoods through people, parks, programs and facilities, and

WHEREAS, parks and recreation activities and leisure experiences in Modesto provide opportunities for young people to live, grow and develop into contributing members of society, and

WHEREAS, parks and recreation in Modesto creates lifelines and continues life experiences for older members of our community, and

WHEREAS, parks and recreation generate opportunities for residents of Modesto to come together and experience a sense of community through fun recreational pursuits, and

WHEREAS, park and recreation agencies provide outlets for physical activities, socialization and stress-reducing experiences, and

WHEREAS, parks, playgrounds, ball fields, non-motorized trails, open spaces, community and cultural events, and historic sites make a community attractive and a

desirable place to live, work, play and visit and contribute to Modesto's ongoing economic vitality, and

WHEREAS, parks, greenways and open spaces provide a welcome respite from our fast-paced, high-tech lifestyles while protecting and preserving our natural environment, and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby encourages all residents to enjoy Modesto's parks and recreation amenities by participating in their choice of pleasurable activities to experience refreshment from their leisure time.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby recognizes July as "Recreation and Parks Month."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:


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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-332**

**A RESOLUTION APPOINTING MAYOR JIM RIDENOUR TO REPLACE  
COUNCILMEMBER HAWN AS A MEMBER OF THE CITY-COUNTY  
CAPITAL IMPROVEMENTS AND FINANCING AGENCY.**

WHEREAS, Councilmember Brad Hawn has requested to be replaced as a member of the City-County Capital Improvements and Financing Agency (JPA).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby appoints Mayor Jim Ridenour to replace Councilmember Brad Hawn as a member of the Commission of the City-County Capital Improvements And Financing Agency.

BE IT FURTHER RESOLVED that the Council hereby appoints Vice-Mayor Janice Keating to serve as an alternate commissioner.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

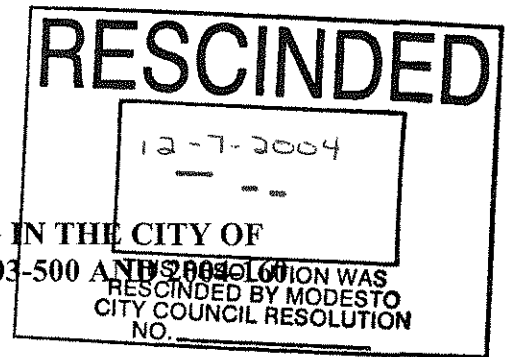
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-333

A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NOS. 2003-500 AND 2004-160



WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code 2004-642 authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, the Downtown Redevelopment Committee and representatives from the City, have requested angle parking on the east side of 8th Street between L and Jefferson Streets to supplement the parking supply from downtown Modesto and the City Corporation Yard, and

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

WHEREAS, the Economic Development Committee considered the additional angle parking on 8th Street at its June 7, 2004, meeting and supported staff's recommendation,

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

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

- Portions of 10<sup>th</sup> Street, between I & K Streets (west side) (diagonal)
- 18<sup>th</sup> Street, between G and H Streets (west side) (diagonal)
- F Street, between 10<sup>th</sup> and 11<sup>th</sup> Streets (south side) (diagonal)
- I Street, between 9<sup>th</sup> and 12<sup>th</sup> Streets (both sides) (diagonal)
- P Street, between 9<sup>th</sup> and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4<sup>th</sup> Street, between E Street and G Street (west side)
- 16<sup>th</sup> Street, between I Street and J Street (east side)

- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8<sup>th</sup> and Laurel Streets (diagonal)
- 13<sup>th</sup> Street, between H and L Streets (east side)
- J Street, between 7<sup>th</sup> Street and 8<sup>th</sup> Street (north side)
- 10<sup>th</sup> Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10<sup>th</sup> Street and 11<sup>th</sup> Street (north side) (diagonal)
- 15<sup>th</sup> Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9<sup>th</sup> Street and 10<sup>th</sup> Street (north side) (diagonal)
- 8<sup>th</sup> Street, between J Street and K Street (east side) (diagonal)
- 8<sup>th</sup> Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4<sup>th</sup> Street (north side)
- 8<sup>th</sup> Street between L Street and Jefferson Street (east side) (diagonal)

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

SECTION 3. Resolution Nos. 2003-500 and 2004-160 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-334**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN FERNWOOD PHASE 2  
SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING  
THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, but its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, is the subdivider of the Fernwood Phase 2 Subdivision, and

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, but its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$1,001,600.00 and \$500,800.00, respectively, and

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, but its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, has filed a warranty bond in the amount of \$100,160.00 to guarantee improvements in the Fernwood Phase 2 Subdivision, and

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

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

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

that:

1. The improvements in the Fernwood Phase 2 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$1,001,600.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$500,800.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$100,160.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By ALISON BARRATT-GREEN  
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-335**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN FERNWOOD PHASE 3  
SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING  
THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, but its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, is the subdivider of the Fernwood Phase 3 Subdivision, and

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, but its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$467,500.00 and \$234,000.00, respectively, and

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability Company, but its Manager Member, BENNETT DEVELOPMENT, INC., a California Corporation, has filed a warranty bond in the amount of \$46,750.00 to guarantee improvements in the Fernwood Phase 3 Subdivision, and

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

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

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

that:

1. The improvements in the Fernwood Phase 3 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$467,500.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$234,000.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$46,750.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

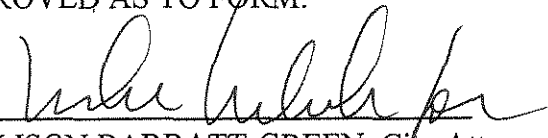
NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-336**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS  
NO. 7 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA,  
AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION  
AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, INLAND VILLAGE, a California General Partnership, is the subdivider of the Village Highlands No. 7 Subdivision, and

WHEREAS, INLAND VILLAGE, a California General Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$772,488.00 and \$386,244.00, respectively, and

WHEREAS, INLAND VILLAGE, a California General Partnership, has filed a warranty bond in the amount of \$77,248.80 to guarantee improvements in the Village Highlands No. 7 Subdivision, and

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

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

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

1. The improvements in the Village Highlands No. 7 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$772,488.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$386,244.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$77,248.80 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Alison Barratt-Green  
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-337**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS  
NO. 8 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA,  
AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION  
AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, INLAND VILLAGE, a California General Partnership, is the subdivider of the Village Highlands No. 8 Subdivision, and

WHEREAS, INLAND VILLAGE, a California General Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$217,665.80 and \$108,892.90, respectively, and

WHEREAS, INLAND VILLAGE, a California General Partnership, has filed a warranty bond in the amount of \$21,766.58 to guarantee improvements in the Village Highlands No. 8 Subdivision, and

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

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

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

1. The improvements in the Village Highlands No. 8 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$217,665.80 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$108,832.90 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$21,766.58 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

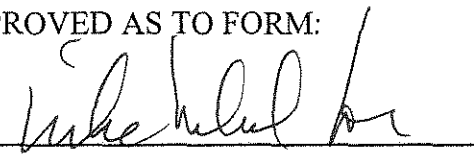
NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-338**

**A RESOLUTION GRANTING APPROVAL FOR THE FLOYD/LINCOLN OAK INTERSECTION CONTROL TO BE CHANGED FROM A ROUNDABOUT TO A TRAFFIC SIGNAL. FUNDS ARE BUDGETED IN ACCOUNT NO. 1410-160-M194, "GROWTH RELATED NEW TRAFFIC SIGNALS."**

WHEREAS, on July 1, 2003, the City Council approved a roundabout as the traffic control device for the Floyd/Lincoln Oak intersection, and

WHEREAS, the City's consultant, Alternate Street Design, has found that a multi-lane roundabout will need to be configured for said intersection such that it will significantly encroach upon property to the north in order to fit within existing confines of the already developed south side of Floyd Avenue, and

WHEREAS, use of a roundabout would necessitate a larger property take on the north side of Floyd Avenue as well as create access issues for the residents on the south side, while creating additional unusable pavement on the south side, and

WHEREAS, Floyd Avenue has been designated a minor collector street, four lanes wide, in the General Plan, Village One Specific and Village One Precise Plans, so a multi-lane roundabout would be required, and

WHEREAS, the capacity analysis also suggests that a traffic signal would not significantly impact traffic flow on Floyd Avenue and would yield a Level of Service B at this location, and that a single lane roundabout would fit at this intersection, but would require redesignating Floyd Avenue as a two-lane rather than a four-lane street, and

WHEREAS, a signalized intersection is equivalent in cost to a roundabout and funds are budgeted in Account No. 1410-160-M194, "Growth Related New Traffic Signals," and

WHEREAS, the Economic Development Committee at its June 7, 2004, meeting reviewed this item and concurs with staff's recommendation that the Floyd/Lincoln Oak intersection control be changed from a roundabout to a traffic signal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants approval for the Floyd/Lincoln Oak intersection control to be changed from a roundabout to a traffic signal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 339**

**A RESOLUTION AMENDING THE  
FISCAL YEAR 2004-2005 ANNUAL BUDGET**

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

# Schedule A

## Community Facilities District FY 04-05 Operating Budgets

Expense Fund	Appropriation Amount	Revenue Amount	Increase or (Use of Reserve)
Village One	1,468,250	1,568,250	100,000
Fairview Village	118,085	118,085	0
North Beyer	32,500	24,500	(8,000)
Enterprise Park	20,000	20,000	0
Carver/Bangs	235,000	684,000	449,000
Pelandale/Snyder	415,000	250,000	(165,000)
Village One #2	146,600	2,146,600	2,000,000
Northpointe Village	87,000	87,000	0
Coffee-Claratina	180,900	180,900	0
			0
<b>Expense Fund Total</b>	<b>2,703,335</b>	<b>5,079,335</b>	

**Community Facilities District FY 04-05 Operating Budgets**

<b>Expense Fund</b>	<b>Appropriation Amount</b>	<b>Revenue Amount</b>	<b>Increase or (Use of Reserve)</b>
Village One	1,468,250	1,568,250	100,000
Fairview Village	118,085	118,085	0
North Beyer	32,500	24,500	(8,000)
Enterprise Park	20,000	20,000	0
Carver/Bangs	235,000	684,000	449,000
Pelandale/Snyder	415,000	250,000	(165,000)
Village One #2	146,600	2,146,600	2,000,000
Northpointe Village	87,000	87,000	0
Coffee-Claratina	180,900	180,900	0
			0
<b>Expense Fund Total</b>	<b>2,703,335</b>	<b>5,079,335</b>	
<b>Recommended Expense Fund Total</b>	<b>2,703,335</b>		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-340**

**A RESOLUTION APPROVING A THIRD AMENDMENT TO AGREEMENT  
WITH RRM DESIGN GROUP TO PROVIDE ADDITIONAL SERVICES  
RELATED TO THE PREPARATION OF THE CONSTRUCTION DOCUMENTS  
FOR MADDUX YOUTH CENTER IMPROVEMENTS AT A COST NOT TO  
EXCEED \$17,720 AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
THE AMENDMENT TO AGREEMENT.**

WHEREAS, the City of Modesto owns the Maddux Youth Center located at 619 Sierra Drive in César Chávez Park, and

WHEREAS, on August 14, 2001, by Resolution No. 2001-425, the City Council approved an agreement with RRM Design Group (“RRM”) to provide a Schematic Design Report and Construction Documents for the Maddux Youth Center for a total contract amount of \$58,200, and

WHEREAS, on February 26, 2002, by Resolution No. 2002-87, the City Council authorized an amendment to the agreement to expand the project scope from a 2,000 square foot addition to 6,000 square feet to include a Police Activities League (PAL) boxing arena, a multi-purpose room, a computer classroom, restroom and entry lobby, at a total contract amount of \$112,626, and

Whereas, on September 23, 2003, by Resolution No. 2003-154, the City Council approved a second amended contract with RRM Design Group, Inc., to provide additional services related to the preparation of the construction documents for the Maddux Youth Center at a cost not to exceed \$40,374 plus a \$2,000 contingency, bringing the total cost for architectural services to a not to exceed figure of \$155,000, and

WHEREAS, at the request of City staff, the scope of work of this project has increased to include a City-initiated change in structural engineer of record for the design and construction administration of the Maddux Youth Center at the additional not-to-

exceed cost of \$16,720, plus associated reimbursable expenses of not-to-exceed \$1,000,  
and

WHEREAS, the Third Amendment provides for a total contract cost of \$172,720,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Third Amendment to Agreement with RRM Design Group to include a City-initiated change in structural engineer of record for the design and construction administration of the Maddux Youth Center at the additional not-to-exceed cost of \$16,720, plus associated reimbursable expenses of not-to-exceed \$1,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Keating

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-341**

**A RESOLUTION AUTHORIZING SEVERANCE PAY, HEALTH BENEFITS AND  
INTERVIEW LEAVE FOR EMPLOYEES SUBJECT TO AN AUTHORIZED  
REDUCTION IN FORCE**

WHEREAS, the City of Modesto is facing a budget crisis which may result in employee layoffs, and

WHEREAS, current Personnel Rules and Memoranda of Understanding provide that employees who are laid off receive only those benefits to which any departing employee would be entitled, and

WHEREAS, City staff is recommending to the Council that laid off employees should receive Severance Pay equivalent to a minimum of four (4) weeks of the employee's salary and City health contribution upon the effective date of the layoff and thereby provide a limited cash payment to assist the laid off employee who is faced with loss of job and income, and

WHEREAS, City staff is also recommending that employees who are notified of pending lay off should receive Interview Leave which would provide paid leave time for employees to seek other employment prior to their date of layoff, and

WHEREAS, City staff is recommending that where an employee volunteers to be laid off and is in the classification or the approved bumping chain of a position authorized for layoff, the City manager may authorize said employee to be laid off, with all rights to receive severance benefits, and

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

SECTION 1. Eligibility for Benefits: City employees who are laid off due to an authorized reduction in force shall be eligible to receive severance benefits subject to the terms and conditions as set forth below. All severance benefit entitlements shall be in addition to any other benefits to which the employee would otherwise be entitled pursuant to the City's Personnel Rules or appropriate Memorandum of Understanding. The City Manager is authorized to postpone an employee's date of layoff or demotion for up to ninety (90) days, at his discretion, if deemed necessary to meet the needs of the City.

SECTION 2. Eligibility for One Hundred and Sixty (160) Work Hours of Severance Pay: All non-sworn employees in regular positions in the classified service who are laid off due to a reduction in force shall be entitled to receive upon separation from service, severance pay equivalent to One Hundred Sixty (160) work hours. Severance pay shall be calculated based upon the employee's regular base pay, excluding acting pay, assignment pay, shift differential, or other special pays.

SECTION 3. Eligibility for Additional Severance Pay: All non-sworn employees in regular positions in the classified service who are laid off due to a reduction in force and who have six (6) or more complete years of continuous service are eligible for additional severance pay as follows:

A. Severance pay equivalent to forty (40) work hours of salary for each completed year of service in excess of five (5) completed years of service, up to a maximum of one hundred and sixty (160) work hours. Additional severance pay shall be calculated based upon the employee's regular base pay, excluding acting pay, assignment pay, shift differential, or other special pays.

SECTION 4. Severance Pay Options: At the time of separation, an employee may elect to receive severance pay in a lump sum payment or in the form of a contribution to the employee's deferred compensation plan or a combination thereof subject to all appropriate IRS regulations and limitations.

SECTION 5. Eligibility for Health Contribution: Employees who receive severance pay shall also be eligible to receive the City's contribution to health, dental and vision premiums for a period of four (4) to eight (8) weeks following layoff. The amount of this contribution shall be the same as that provided to active employees, except that the amount shall not include the equivalent of any in-lieu deferred compensation. The duration of the premium contributions shall be for the same number of weeks as the severance pay provision (4-8 weeks depending on years of service). The contribution shall be paid directly to the insurance carriers.

SECTION 6. Eligibility for Interview Leave: All non-sworn employees in regular positions in the classified service who are provided notice by his/her Department Director that the employee may be laid off due to a reduction in force shall be entitled, prior to separation, to a maximum of fifteen (15) work hours of paid leave time for purposes of participating in employment interviews or examinations with any other employer.

Authorized interview leave shall be subject to prior written approval of the employee's supervisor and with consideration for the needs of the City. Written verification of scheduled interviews or examinations may be required by the employee's supervisor. Interview leave in excess of fifteen (15) work hours may be granted with the prior written approval of the employee's Department Director. Interview leave shall not be subject to cashout or conversion to any other benefit.

SECTION 7. Voluntary Layoff: The City Manager may authorize any non-sworn employee in a regular position in the classified service who volunteers to be laid off, and is in the classification or the approved bumping chain of a position authorized for layoff, to be laid off, with all rights to receive severance pay, health contributions and interview leave as provided herein.

SECTION 8. Term: Severance benefits, as set forth in this Resolution shall terminate effective June 30, 2005, unless extended by resolution of the Modesto City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Marsh, Jackman, Mayor Ridenour

NOES: Councilmembers: O'Bryant

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 342**

**A RESOLUTION APPROVING THE CONTRACT WITH EDAW, INC. FOR THE PROJECT TITLED "UPDATE TO THE REDEVELOPMENT AGENCY MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT", AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT FOR SAID PROJECT**

WHEREAS, in November 1991, the Redevelopment Agency of the City of Modesto ("Agency") adopted the Amended Project Area and the Redevelopment Plan for a Project Area of approximately 2000 acres encompassing the downtown, a portion of the West side, as well as a smaller portion along Scenic Drive, and

WHEREAS, as a part of this Project Area adoption, an Environmental Impact Report ("EIR") was approved in accordance with California State law, and

WHEREAS, subsequent to said actions, in 1994, a Redevelopment Master Plan ("RDA Master Plan"), which is attached hereto and made a part hereof by this reference, was adopted to implement the goals and objectives of the Redevelopment Plan, and

WHEREAS, the purpose of said RDA Master Plan is to provide a policy guideline document to identify specific types of land uses that the City should encourage and promote within the Redevelopment Project Area, and

WHEREAS, as a continuation of the overall downtown renovation, the Agency has determined that both the RDA EIR and RDA Master Plan should be updated in order to reflect the current developments and to set forth future development goals for the RDA Project Area (the "Project Update"), and

WHEREAS, to complete said Project Update, the firm of EDAW, Inc. has been selected from the approved Qualifications-based list of outside service providers for planning and environmental services and a Project scope and budget has been agreed upon in the amount of

\$482,619, and

WHEREAS, said Project Scope also includes the preparation of a Safety Campus Concept Master Plan for which the City of Modesto will be providing funds in the amount of \$77,254, with the remaining Project Update cost of \$405,365 being at the expense of the Redevelopment Agency as follows:

FY 2004-05 budget in the amount of \$482,619 in the following accounts:

<b><u>Redevelopment Agency:</u></b>		<b><u>\$405,365</u></b>
9080-140-1493-0235 - RDA Master Plan:	\$285,365	
9080-140-K871-6010 - CIP - Update RDA EIR:	\$120,000	
<b><u>Fire:</u></b>		
1300-180-N412-6040	Fire Station #1- Seismic Imprv	<u>\$ 77,254</u>
		\$482,619

, and

WHEREAS, the following City Council Committees have received a staff report on said Project Update on the following dates and have recommended said Project Update to the full Council for approval:

1. Safety and Communities Committee – March 1, 2004
2. Economic Development Committee – March 8, 2004
3. Finance Committee – March 22, 2004
4. Finance Committee – May 26, 2004

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a professional services contract with EDAW, Inc. in the amount of \$77,254 for completion of said Safety Campus Concept Master Plan in conjunction with the Modesto

Redevelopment Agency's Project Update pursuant to the agreed-upon Project scope and budget as stated above.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized and directed to execute said contract for the completion of the Safety Campus Concept Master Plan in conjunction with the Modesto Redevelopment Agency's Project Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-343**

**A RESOLUTION APPROVING THE REORGANIZATION OF THE PARKS,  
RECREATION AND NEIGHBORHOODS DEPARTMENT, THE OPERATIONS  
AND MAINTENANCE DEPARTMENT AND THE ENGINEERING AND  
TRANSPORTATION DEPARTMENT.**

WHEREAS, as part of the proposed Fiscal Year 2004-05 budget reductions, the City Manager has proposed consolidation of three operating departments (Parks, Recreation and Neighborhoods, Operations and Maintenance, and Engineering and Transportation) into two (Parks, Recreation and Neighborhoods, and Public Works), and

WHEREAS, the proposed Parks, Recreation and Neighborhoods Department will have six divisions; the current four (Administration, Recreation and Neighborhood Services, Park Planning and Development Services and Cultural and Enterprise Services), and the two new divisions of Park Services and Building and Parking Services being moved from the Operations and Maintenance Department, and

WHEREAS, the new Public Works Department will have nine Divisions (Administration, Transit, Airport, Solid Waste, Water/Forestry/Fleet, Wastewater Collections/Treatment, Transportation/Development Services, Capital Planning/Projects and Tenth Street Place), and

WHEREAS, in order to provide for appropriate staffing and allocation of resources, several specific steps are necessary, which include:

1. Approval of the structure of the Parks, Recreation and Neighborhoods Department and the Public Works Department.
2. Approval of the transfer of an Administrative Analyst II position from Public Works to the Parks, Recreation and Neighborhoods Department.
3. Approval of the reallocation of an existing Management Analyst position in the Administration division of the Parks, Recreation and Neighborhoods Department to an Administrative Services Officer classification.

4. Approval of the reallocation of a new Housing Program Supervisor in the Parks, Recreation and Neighborhoods Department to a HUD Programs Superintendent.
5. Approval of increasing the range for compensation of the Parks, Recreation and Neighborhoods Director and the Public Works Director.
6. Approval of the reallocation of an Office Supervisor position in the Public Works Department to Executive Secretary.
7. Approval of the elimination of one Senior Administrative Office Assistant position in the Public Works Department, already reflected in the Proposed Budget.
8. Establishment of the assignment of City Engineer in the Public Works Department.
9. Direction to staff to prepare changes to the Modesto Municipal Code, which will reflect the reorganization changes approved by the City Council.

and

WHEREAS, the City Council will be asked to consider separately Items 5 and 8 above, and

WHEREAS, the Finance Committee met on June 21, 2004, and supported the recommended reorganization plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the structure of the Parks, Recreation and Neighborhoods Department and the Public Works Department.

BE IT FURTHER RESOLVED that the Council approves the transfer of an Administrative Analyst II position from Public Works to the Parks, Recreation and Neighborhoods Department.

BE IT FURTHER RESOLVED that the Council approves the reallocation of an existing Management Analyst position in the Administration division of the Parks, Recreation and Neighborhoods Department to an Administrative Services Officer classification.

BE IT FURTHER RESOLVED that the Council approves the reallocation of a new Housing Program Supervisor in the Parks, Recreation and Neighborhoods Department to a HUD Programs Superintendent.

BE IT FURTHER RESOLVED that the Council approves the reallocation of an Office Supervisor position in the Public Works Department to Executive Secretary.

BE IT FURTHER RESOLVED that the Council approves the elimination of one Senior Administrative Office Assistant position in the Public Works Department, already reflected in the Proposed Budget.

BE IT FURTHER RESOLVED that the Council hereby directs staff to prepare changes to the Modesto Municipal Code, which will reflect the reorganization changes approved by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-344**

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

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

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

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

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Public Works Director

The job specification for this classification is being created as a result of the reorganization of the Parks, Recreation and Neighborhoods, Operations and Maintenance and Engineering and Transportation Departments. The specification for the classification of Public Works Director Range 1422), assigned to Executive Management, as shown on the attached **Exhibit "A"**, which is hereby made a part of this resolution by reference, is

hereby approved and made part of the Position Classification Plan of the City of Modesto.

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

Parks, Recreation and Neighborhoods Director

The job specification for this Executive Management classification is being amended to reflect the changes in responsibilities as a result of the reorganization of the Parks, Recreation and Neighborhoods Department and Operations and Maintenance Department. The specification for the classification of Parks, Recreation and Neighborhoods Director, as shown on the attached **Exhibit "B"**, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

Engineering and Transportation Director

Operations and Maintenance Director

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after July 13, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

Exhibit "A"

CITY OF MODESTO  
NO. 1780

July 2004

## PUBLIC WORKS DIRECTOR

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

### DEFINITION

To plan, direct and review the functions of the Public Works Department including but not limited to: fleet, streets, water, waste water collection and treatment, stormwater, solid waste, airport forestry, electrical service, engineering, capital projects and utility planning, traffic and transit divisions; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical administrative support staff.

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

#### Essential Functions:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the Department's annual work plan as approved by the City Manager; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Plan, organize, direct and evaluate all operations relating to streets, water, solid waste, and sewer including the design, operation, construction, maintenance and repair of utility facilities.

Essential Functions: (Continued)

Plan, organize, direct, evaluate and schedule the construction, maintenance and operation of City-owned electrical facilities including street lights and electrical systems associated with City buildings.

Plan, organize, direct, evaluate forestry related activities including the planting, maintenance and preservation of street and park trees.

Prepare and implement long-range planning for public works systems and improvements; prepare public works conditions to be placed on new and redeveloped parcels.

Direct the installation of all public improvements in subdivisions and developments.

Direct the development, implementation and administration of the City's capital improvement program as it relates to City-owned utilities and electrical facilities.

Direct the City's parking, traffic, transit, airport, and solid waste activities.

Confer with and advise supervisory assistants and outside consultants on problems related to the operation, construction and maintenance of City utility and electrical facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Prepare resolutions, ordinances, reports and correspondence.

Review plans, engineering reports and budget estimates prepared by subordinates, outside consultants and other City departments.

Perform utility rate structure analysis and make recommendations on utility rates.

Evaluate and recommend professional engineering consultants and contracts.

Represent the City before citizens, elected officials and community groups on a variety of matters; participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Essential Functions: (Continued)

Select, train, motivate and evaluate personnel; provide a high level of leadership; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Marginal Functions:

Perform related duties as assigned.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

QUALIFICATIONS

Knowledge of:

Methods, materials, techniques and equipment used in the construction, operation and maintenance of fleet, water, sewer, streets, forestry, telecommunications and electrical systems, solid waste systems and waste-to-energy facilities.

Applicable laws and regulatory codes related to utility and solid waste operations.

Principles and practices of civil engineering administration and parking and traffic program development and administration.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Recent developments, current literature and sources of information regarding water, sewer, solid waste and waste-to-energy facility engineering and operation.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

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

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

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

Prepare and administer a budget.

Analyze organization system issues and select proper courses of action.

Interpret and apply City policies, procedures, rules and regulations.

Communicate clearly and concisely, both orally and in writing.

Select, lead, supervise, train and evaluate professional and technical subordinates.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts as directed by the City Manager.

Identify and respond to public and City Council issues and concerns.

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Experience and Training

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

Experience:

Eight years of increasingly responsible public works type experience including five years of administrative and supervisory responsibility.

Training:

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

License or Certificate

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

Possession of a Certificate of Registration as a professional civil engineer in the State of California is highly desirable.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; exposure to computers.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and traveling to and from job sites in a vehicle.

Exhibit "B"

CITY OF MODESTO  
NO. 1761

JULY 2004

## PARKS, RECREATION AND NEIGHBORHOODS DIRECTOR

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

### DEFINITION

To plan, direct and review the activities and operations of the Parks, Recreation and Neighborhoods Department, including the construction, maintenance, and acquisition of all parks and related facilities, leisure and community services programming and activities, human services program administration, and community and neighborhood outreach and improvement; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Deputy City Manager and City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

#### Essential Functions:

Develop, plan, and implement division goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the department's annual work plan; assign work activities, projects and programs; monitor workflow; review and evaluate work products, methods and procedures.

Plan, organize, direct, evaluate, and schedule the work and programs of the department divisions, programs and the administrative office staff.

Plan and direct the development of community and neighborhood improvement initiatives and programs.

Administer Housing and Urban Development programs and services.

Essential Functions (continued):

Plan, direct, and/or facilitate leisure services programs and activities, parks operations, building services, city-owned parking facilities, golf operations, and community-wide programs or activities.

Negotiate and resolve significant and controversial neighborhood and community issues.

Prepare and submit reports and recommendations and provide technical advice to the City Manager, City Council, and related boards and commissions.

Coordinate department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Develop and implement citizen based problem-solving models.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Prepare long-range plans to meet community needs based on studies of local conditions and projections of the future composition of the community; recommend additional, altered or expanded public parks and recreation facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Coordinate and direct fund-raising activities.

Direct the establishment and maintenance of files and records of departmental activities.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and methods used in community and leisure services administration and management, and program and facility acquisitions and maintenance.

Modern and highly complex principles and practices of housing and community development programs, redevelopment and financing programs.

Recreational, cultural, human, and social needs of all age, ethnic and economic groups.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Record keeping and reporting procedures.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Group problem-solving techniques and partnerships with individuals and community groups.

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

Principles and practices of organization, administration and personnel management.

Grants and administration of funds obtained from external agencies.

Ability to:

Organize, direct and coordinate the activities of the department in a manner conducive to full performance and high morale.

Understand and implement the community, social and leisure services needs of the community and recommend additional areas, facilities and programs to meet those needs.

Ability to (continued):

Formulate substantive recommendations for community development and financing programs.

Prepare and present complex reports.

Work through complex community and neighborhood issues.

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

Identify and respond to public and City Council issues and concerns.

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

Maintain liaison with various private and public agencies and deal successfully with the public and other interested groups.

Prepare and administer a budget.

Select, lead, supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Experience and Training Guidelines:

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

Experience:

Eight years of increasingly responsible supervisory or administrative experience in community, leisure or human service programs.

Training:

A Bachelor's degree from an accredited college or university with major course work in public administration, recreation, or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-345

**A RESOLUTION AMENDING EXHIBIT "N" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 1, 2003 AND RESCINDING RESOLUTION NOS. 2002-307 AND 2003-81A AND AMENDING EXHIBIT A OF RESOLUTION NO. 2003-331 EFFECTIVE JUNE 20, 2003," TO CHANGE THE SALARY RANGE FOR PARKS, RECREATION AND NEIGHBORHOODS DIRECTOR FROM RANGE 1420 TO RANGE 1422 AND TO ESTABLISH A SALARY RANGE FOR PUBLIC WORKS DIRECTOR AT RANGE 1422, EFFECTIVE JULY 6, 2004.**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to increase the Salary Range for Parks, Recreation and Neighborhoods Director from Range 1420 to Range 1422, and

WHEREAS, the City Council desires to establish the Salary Range for Public Works Director at Range 1422,

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

SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330.

Exhibit "N" entitled "City of Modesto Class Range Table, Executive Management Effective July 1, 2003," attached to Resolution No. 2003-330, is hereby amended as shown on the amended **Exhibit "N"** entitled, "City of Modesto Class Range Table Executive Management Effective July 13, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "N" changes the Salary Range for Parks, Recreation and Neighborhoods Director from Range 1420 to Range 1422 and establishes the Salary Range for Public Works Director at Range 1422.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 13, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Exhibit "N"

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective **July 13, 2004**

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RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1419	
1420	Finance Director Personnel Director
1421	
<b>1422</b>	<b>Chief Information Officer Community Development Director Parks, Recreation, and Neighborhoods Director Public Works Director</b>
1423	
1424	
1425	
1426	
1426	
1427	Deputy City Manager Fire Chief Police Chief
1428	City Attorney
1429 – 1432	
1433	City Manager



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-346**

**A RESOLUTION CREATING A SPECIAL ASSIGNMENT DESIGNATION OF  
CITY ENGINEER AND ESTABLISHING A 5% PAY DIFFERENTIAL FOR THE  
INDIVIDUAL ASSIGNED THIS RESPONSIBILITY.**

WHEREAS, the City Manager has proposed the consolidation of the Operations and Maintenance Department and the Engineering and Transportation Department, and

WHEREAS, this consolidation results in the creation of a Public Works Department, and

WHEREAS, the Public Works Department is responsible to perform statutory duties of City Engineer as prescribed by state law and the Municipal Code, and

WHEREAS, by agenda report dated June 22, 2004, the Deputy City Manager is recommending that the Public Works Director delegate the responsibility of City Engineer to an employee in possession of a Certificate of Registration as a Professional Civil Engineer in the State of California, and

WHEREAS, the duties and responsibility of the City Engineer shall be established by way of a special assignment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves creation of the Special Assignment of City Engineer and hereby establishes a 5% special assignment pay differential for the individual esignated as City Engineer.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after July 13, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of July, 2004, by Councilmember Jackman who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 347

**A RESOLUTION APPROVING A TAX SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE KAISER MEDICAL CENTER/CORNERSTONE BUSINESS PARK PROJECT, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT.**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Tax Sharing Agreement between the City of Modesto and the County of Stanislaus for the Kaiser Medical Center/Cornerstone Business Park Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-348**

**A RESOLUTION DENYING THE PARENT RESOURCE CENTER'S REQUEST FOR A CAPITAL FACILITIES FEE WAIVER AND UPHOLDING THE REQUIREMENT FOR PAYMENT OF CAPITAL FACILITIES FEES.**

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the City's CFF are set forth in City Council Resolution 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, 98-654, 99-237 and 2003-309, and

WHEREAS, the Parent Resource Center (PRC) a non-profit child abuse prevention program, has requested a waiver of \$5,343 capital facility fees for the expansion of their building to include a modular unit, and

WHEREAS, said request for waiver is based in part on PRC's financial status and upon the temporary nature of a modular building and

WHEREAS, said request for waiver of CFF fees was denied by the CFF Steering Committee, and

WHEREAS, on April 6, 2004, the Parent Resource Center appealed the decision of the CFF Steering Committee to require the payment of CFF for a modular building to be installed at PRC's facility, and

WHEREAS, the City Council referred the matter back to the Economic Development Committee for their review, and also requested that the impacts created by said building be reviewed, and

WHEREAS, the referral by Council was reviewed by the CFF steering Committee which is comprised of staff from the Planning, Building, Engineering, Fire, City Manager and City Attorney's departments who recommended that payment of the CFF fee be upheld and

WHEREAS, while the PRC is a non-profit group serving the needs of in need families, its existence creates an impact on the City of Modesto's infrastructure, and

WHEREAS, the establishment of the City's capital facilities fees (CFF) is independent of the costs relating to the construction of new buildings and are developed based on the cost of capital infrastructure to support development's associated impacts, and

WHEREAS, a temporary building still creates the same impacts as a permanent building, resulting in the same necessary fees to support infrastructure development, and

WHEREAS, upon further review the Economic Development Committee recommended that the Council uphold the requirement of paying Capital Facilities Fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the Parent Resource Center's request for a waiver of Capital Facilities Fees and upholds the requirement for payment of Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-349**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES AND STOKES FOR WORK ON AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED COMMERCIAL/OFFICE PROJECT, THE PROMENADE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$173,552.00**

WHEREAS, Setrok Limited Partnership has applied for a general plan amendment and rezoning to a planned development zone to allow 202,225 square feet of specialty retail shops and restaurants, a 73,000 square foot multi-screen theater, 98,050 square feet of offices and a 108-room, three-story hotel on property located on the west side of Dale Road, north of the Vintage Faire Mall (The Promenade), and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for projects, and

WHEREAS, the City has determined that an environmental impact report is required for the proposed Promenade project, and

WHEREAS, on December 10, 2002, the City Council approved a list of environmental service providers, including the firm of Jones and Stokes, to assist with the preparation of environmental impact reports and other environmental documents, and

WHEREAS, City staff selected Jones and Stokes to prepare the environmental impact report for The Promenade because they had an organized project team at the time of the selection interviews and the sub-consultant they had selected to do the traffic analysis had just completed work in this quadrant of the City for the Kaiser Medical Center project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jones and Stokes for work on an environmental impact report for the proposed Promenade Project in an amount not to exceed \$173,552, is, hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST Jean Zahr  
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-350**

**A RESOLUTION AUTHORIZING AN APPLICATION TO THE HOUSING AND  
COMMUNITY DEVELOPMENT DEPARTMENT OF THE STATE OF  
CALIFORNIA FOR AN ENTERPRISE ZONE DESIGNATION THAT  
INCLUDES THE CITY OF MODESTO.**

WHEREAS, the Housing & Community Development Department of the State of California (“HCD”) oversees an Enterprise Zone Program with the goal of stimulating growth in economically depressed areas of the State, and

WHEREAS, there are forty-two (42) California Enterprise Zones authorized by HCD, with only thirty-nine (39) Zones approved to date, and

WHEREAS, in order to complete the Enterprise Zone designations, HCD has issued a competitive Request for Proposals (“RFP”) to identify and designate three (3) additional Enterprise Zones, and

WHEREAS, in response to said RFP, the City of Modesto, City of Turlock, City of Ceres, and Stanislaus County (“Applicants”) have formed a partnership and have determined that certain territories within said cities and the County do meet the criteria for an Enterprise Zone designation based on certain census tracts demonstrating depressed business activity, high unemployment levels and low income levels, with a mix of commercial and industrial zoned areas, and

WHEREAS, based on this determination, the Applicants have produced an application to HCD for a California Enterprise Zone designation and wish to be designated as such, and

WHEREAS, the qualifying census tracts within the Modesto Sphere of Influence are identified as: 16.01, 16.03, 16.04, 17.00, 18.00, 19.00, 20.02, 20.04, 21.00, 22.00, 23.01, 24.00, 25.01, and 31.00 which Tracts encompass, in general: (1) Downtown

Modesto, and the contiguous and adjacent industrial area just northwest up to Blue Gum Ave along Highway 99; (2) West Modesto, out to the southwestern most boundaries of the Sphere of Influence; (3) the area around and including the Lamatis Business Park; (4) Commercial land use along Yosemite Boulevard; and (5) Beard Industrial District, and

WHEREAS, the City has jurisdiction over a portion of the application area as outlined above, and is adopting this resolution for the territories described herein, and

WHEREAS, in the event HCD grants a conditional Enterprise Zone designation, the City agrees to complete all actions that apply to the City pursuant to the Preliminary and Final Applications, and

WHEREAS, the application area is a depressed area and designation of the application area as an Enterprise Zone is necessary in order to attract private sector investment to the application area, and

WHEREAS, the California Enterprise Zone area will be referred to as the **“Stanislaus County/Highway 99 Corridor Enterprise Zone”**.

WHEREAS, the City acknowledges that the Stanislaus Economic Development and Workforce Alliance (The Alliance) shall be designated as the agency responsible for the implementation and oversight of the application area, in cooperation with member cities and the County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the boundary of the proposed Enterprise Zone is hereby approved as described in attached **“Exhibit A”**, which is incorporated herein by this reference.

BE IT FURTHER RESOLVED that a finding has been made that the application area is a depressed area and designation of the application area as an Enterprise Zone is necessary in order to attract private sector investment to the application area.

BE IT FURTHER RESOLVED that, should the Final Application be awarded a Conditional Designation as an Enterprise Zone, the City agrees to complete all actions stated within the Preliminary and Final Applications that apply to the City.

BE IT FURTHER RESOLVED that the City, as a member of said partnership, shall work cooperatively to obtain the approval of the Enterprise Zone designation for all areas described in attached "**Exhibit A**".

BE IT FURTHER RESOLVED that the City understands and acknowledges that there are other qualifying territories within Stanislaus County that are not currently described, and that inclusion of these territories in the Stanislaus County/Highway 99 Corridor Enterprise Zone would provide significant economic benefit to all communities within Stanislaus County, and therefore the City agrees to working cooperatively and expeditiously with other members of the partnership to obtain approval of future expansion requests immediately following approval of the initial Enterprise Zone application.

BE IT FURTHER RESOLVED that Brad Kilger, Director of Community & Economic Development, is hereby authorized and directed to execute and submit all required documentation, including the application, memorandum of understanding, and other necessary documents, on behalf of the City Modesto, subject to any minor conforming technical or clarifying changes approved by the City Attorney, to the California Housing & Community Development Department for review and approval of the preliminary application and Enterprise Zone boundary as described in Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

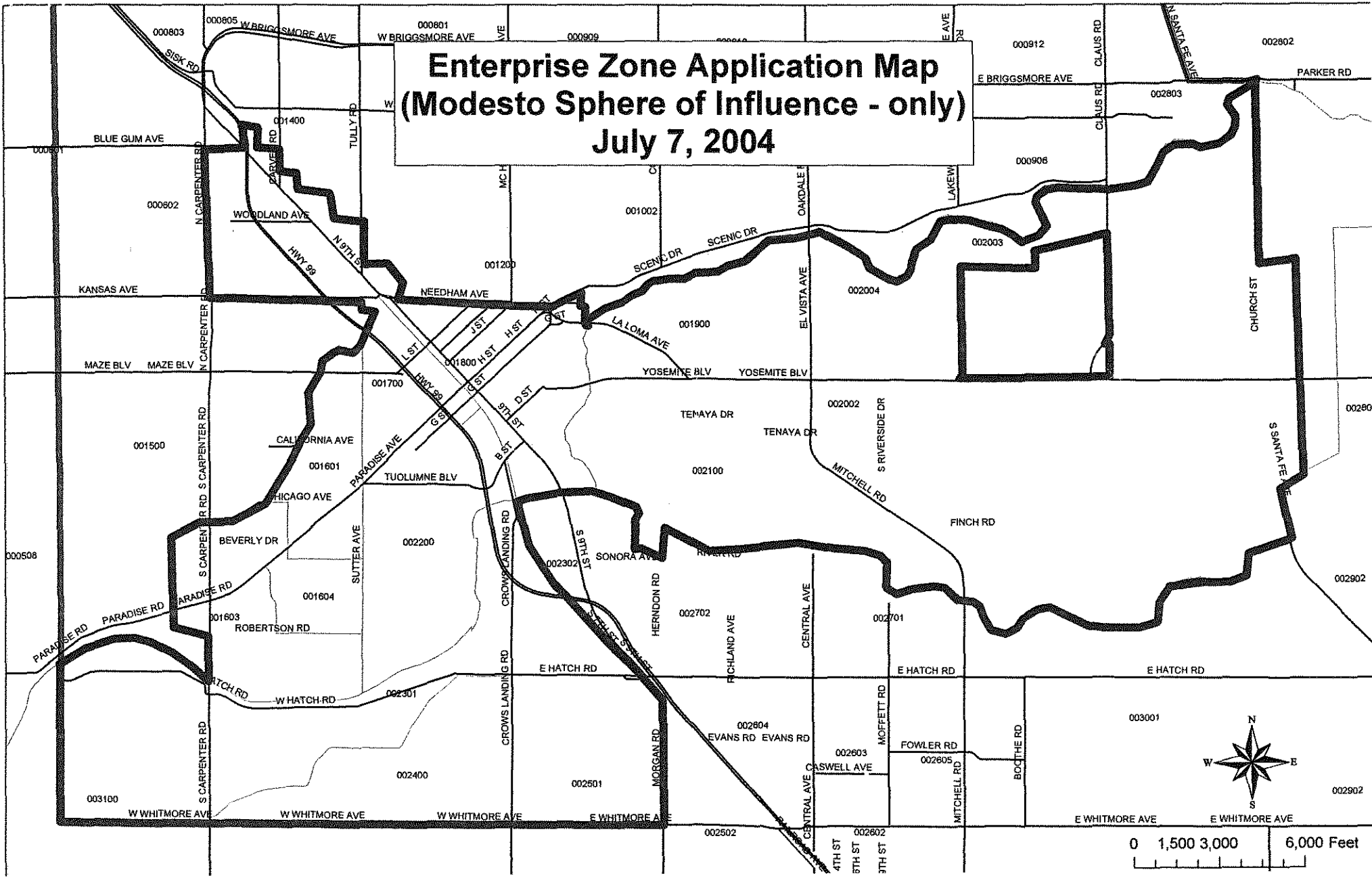
ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

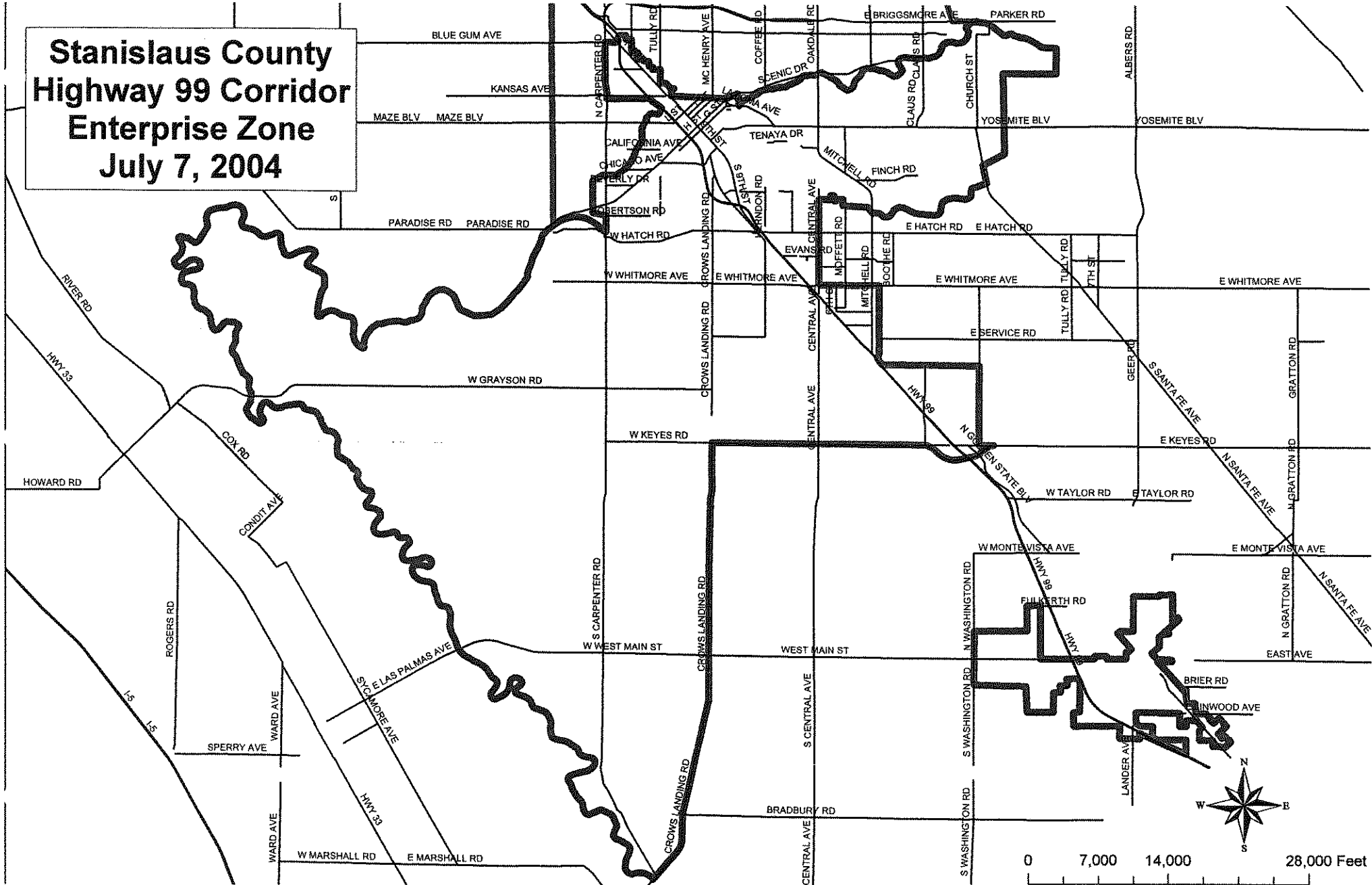
APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# Enterprise Zone Application Map (Modesto Sphere of Influence - only) July 7, 2004



**Stanislaus County  
Highway 99 Corridor  
Enterprise Zone  
July 7, 2004**



0 7,000 14,000 28,000 Feet

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-351**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT  
FOR THE FURNISHING OF BULK FUEL RED DYED #2 DIESEL, TO W.H.  
BRESHEARS, INC., MODESTO, CA, FOR A THREE (3) YEAR AGREEMENT,  
AT AN ESTIMATED ANNUAL COST OF \$72,963**

WHEREAS, the Operations and Maintenance Department, Waste Water Division and Water Division use red dyed #2 diesel fuel to fuel non-public roadway diesel powered equipment, and standby diesel powered generators that supply backup power to municipal potable water wells, and

WHEREAS, currently, these divisions purchase red dyed #2 diesel fuel in bulk, by issuing request for quotations on an "as needed basis", and

WHEREAS, although competitive pricing has been obtained, this is not an efficient or effective way of bidding this commodity, and

WHEREAS, by soliciting formal Request for Bids, the City will achieve the best price possible by combining the volume of both divisions for an annual agreement, and

WHEREAS, on April 6, 2004, Council approved Resolution No. 2004-182, authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of bulk fuel red dyed #2 diesel, for a three (3) year agreement, and

WHEREAS, by bidding a three (3) year agreement, red dyed #2 diesel fuel would be up for re-bid on the same time line as the City's current agreement for bulk fuel, which expires December 3, 2007, and

WHEREAS, going forward, these commodities would then be bid together to obtain a greater volume discount for the City, based on economies of scale, and

WHEREAS, the Purchasing Division issued Request for Bid No. 0304-10, for the furnishing of bulk fuel red dyed #2 diesel to thirty (30) companies, posted the bid on the City's web site and formally advertised as required by law, and

WHEREAS, of the thirty (30) companies solicited, only one (1) company chose to respond, and

WHEREAS, the Purchasing Division received letters from two (2) companies declining to bid due to delivery requirements, and

WHEREAS, City staff recommends the award of Bid No. 0304-10 and contract for the furnishing of bulk fuel red dyed #2 diesel, to W.H. Breshears, Inc., Modesto, CA, for a three (3) year agreement, at an estimated annual cost of \$72,963,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0304-10 and contract for the furnishing of bulk fuel red dyed #2 diesel, to W.H. Breshears, Inc., Modesto, CA, for a three (3) year agreement, at an estimated annual cost of \$72,963.

BE IT FURTHER RESOLVED that following Council approval, the Purchasing Supervisor will issue a purchase agreement to W.H. Breshears, Inc., Modesto, CA, for the furnishing of bulk fuel red dyed #2 diesel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-352**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SERVICE AND REPAIRS AT THE MODESTO CENTRE PLAZA, TO AMERICAN CHILLER SERVICE INC., MODESTO, CA, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$23,442**

WHEREAS, the Parks, Recreation and Neighborhoods Department has requested the furnishing of heating, ventilation and air conditioning (HVAC) service and repairs at the Modesto Centre Plaza, and

WHEREAS, HVAC services consist of scheduled preventative maintenance and emergency service repairs, on an "as required" basis, to ensure top performance of the HVAC system in order to provide comfort to the patrons of the Centre Plaza, and

WHEREAS, on January 6, 2004, Council approved Resolution No. 2004-014, authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of HVAC service and repairs at the Modesto Centre Plaza, and

WHEREAS, the Purchasing Division solicited Request for Bid No. 0304-13, for the furnishing of HVAC service and repairs to thirty-three (33) companies, plus posted the bid on the City's web site. In addition, the bid was formally advertised by the City Clerk's office, and

WHEREAS, of the thirty-three (33) companies solicited, sixteen (16) reside in the city of Modesto, and

WHEREAS, out of thirty-three (33) companies solicited, only one (1) company chose to submit a bid, and

WHEREAS, City staff recommends the award of Bid No. 0304-13 and contract for the furnishing of HVAC service and repairs at the Modesto Centre Plaza, to American Chiller Service Inc., Modesto, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$23,442,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0304-13 and contract for the furnishing of HVAC service and repairs at the Modesto Centre Plaza, to American Chiller Service Inc., Modesto, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$23,442.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Mayor Ridenour

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-353**

**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO PURCHASE A PIERCE TYPE I ENGINE (VIN #4PICA0ZD4MA000830) FROM THE INDUSTRIAL FIRE DISTRICT FOR THE PURCHASE PRICE OF ONE DOLLAR AND APPROVING AN AMENDMENT TO AGREEMENT FOR FIRE PROTECTION SERVICES WITH THE INDUSTRIAL FIRE PROTECTION DISTRICT.**

WHEREAS, in 1993 the City of Modesto entered into a contract to provide fire protection for a portion of the Industrial Fire Protection District, and

WHEREAS, as part of the contract, the City of Modesto Fire Department agreed to lease the Industrial Fire Station (148 Imperial Avenue) for one dollar a year, and

WHEREAS, the City of Modesto Fire Department also agreed to lease the 1991 Pierce Type I Engine from Industrial Fire District for one dollar, and

WHEREAS, due to the high maintenance costs for the engine, it needs to be replaced, and

WHEREAS, the Industrial Fire District Board of Directors has agreed to sell the City of Modesto Fire Department the engine for one dollar, and

WHEREAS, the City of Modesto Fire Department will in turn trade in the engine for a trade in value of approximately \$48,000, which will be used toward the purchase of a new engine that will be assigned to Station 10 for the remainder of the contract, and

WHEREAS, the City desires to enter into an Amendment To Agreement for Fire Protection Services with the Industrial Fire Protection District, a copy of which is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Fire Chief to purchase a 1991 Pierce Type I Engine (VIN #4PICA0ZD4MA000830) from the Industrial Fire District for the purchase price of one dollar.

BE IT FURTHER RESOLVED that the Amendment To Agreement For Fire Protection Services with the Industrial Fire Protection District is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-354**

**CONSIDER AUTHORIZING THE PURCHASE OF ONE PIERCE QUANTUM FIRE ENGINE FROM GOLDEN STATE FIRE APPARATUS, FOR A TOTAL COST OF \$311,906.67 AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE SUM OF \$48,150.00 AS TRADE-IN VALUE FOR ONE 1991 PIERCE ARROW ENGINE TOWARD THE PURCHASE OF THE NEW PIERCE QUANTUM FIRE ENGINE.**

WHEREAS, the Modesto Fire Department uses fifteen engine companies and two truck companies in its current fire/life safety delivery system, and

WHEREAS, front line apparatus consists of twelve engine companies and two truck companies, and

WHEREAS three reserve engines are utilized when front line apparatus are out-of-service for repairs and/or when additional apparatus is needed to maintain our system delivery, and

WHEREAS, an engine company's useful lifespan is projected at fifteen years in front line service and five in reserve status, and

WHEREAS, in 1989 the Modesto Fire Department established an apparatus committee consisting of our Senior Fire Mechanic and representation from all suppression ranks, and

WHEREAS, their charge was to develop apparatus specifications and to review the capabilities of fire apparatus manufacturing facilities, and

WHEREAS, Finance Department and Fire Department representatives worked together through the bid process to award of contract, and

WHEREAS, Pierce Manufacturing (Pierce) was declared low bidder and awarded the contract, and

WHEREAS, Modesto Fire Department received its first Pierce fire engine in 1989 and a second in 1990, and

WHEREAS, since that time, we have purchased ten (10) additional engines and two (2) trucks from Pierce, and

WHEREAS, the City desires to purchase a new engine, and

WHEREAS, purchasing the fire engine from Pierce will maintain our operational costs and system reliability, and

WHEREAS, pricing provided to the City will be effective through July 14, 2004, and

WHEREAS, after July 14, 2004 Pierce will increase pricing to cover a metal surcharge of \$14,900.00 that became effective on June 1, 2004, and

WHEREAS, the total cost of the engine is \$311,906.67, and

WHEREAS, purchase of a new engine will remove a 1991 Pierce Arrow fire engine from City's fleet, and

WHEREAS, Pierce has offered the City \$48,150.00 in trade-in allowance for the 1991 Pierce Arrow engine, and

WHEREAS, Safety and Communities Committee approved this request on July 7, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of one Pierce Quantum fire engine from Golden State Fire Apparatus, for the sum of \$311,906.67 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to accept the sum of \$48,150.00 as trade-in value for one 1991 Pierce Arrow engine toward the purchase of the new Pierce Quantum fire engine.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-355**

**WAS NOT USED**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-356**

**A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO  
ISSUE A REQUEST FOR QUALIFIED ORGANIZATIONS/GROUPS (RFQ) TO  
CONSIDERED CAPABLE OF MANAGING THE PUBLIC, EDUCATION AND  
GOVERNMENT (P-E&G) STUDIO AND BROADCASTING OF MUNICIPAL  
MEETINGS ON THE COMCAST CABLE SYSTEM**

WHEREAS, on July 23, 2002, by Resolution No. 2002-360 , Council approved a two-year agreement with Final Cut Media for the management of daily operations of the Master Control Room Studio for the purposes of airing Public, Education and Government (P- E&G) television programming and broadcasting municipal meetings, and

WHEREAS, the agreement between the City of Modesto and Final Cut Media expires on July 23, 2004, and

WHEREAS, the City must find a qualified applicant to manage the P-E&G and broadcasting of municipal meetings, and

WHEREAS, this RFQ has been approved by the Finance Committee to go to Council for full review.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Chief Information Officer to issue a RFQ to qualified organization/groups for the management of P-E&G and broadcasting of municipal meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-357**

**A RESOLUTION APPROVING STAFF'S RECOMMENDED CHANGES TO  
THE TENANT BASED RENTAL ASSISTANCE (TBRA) PROGRAM  
BEGINNING FISCAL YEAR 2004-2005.**

WHEREAS, the Tenant Based Rental Assistance Program (TBRA) provides a one-time financial grant of \$1,200 for the applicant's first month's rent and security deposit; the funds are paid directly to the landlord after the unit has passed an inspection and met the criteria of HUD's Quality Housing Standards, and

WHEREAS, this program has been in existence for approximately four years; during the initial years, the program was used extensively for displaced tenants of Prescott Estates, a housing complex determined to be sub-standard by the Building Inspection Division of the City, and

WHEREAS, during the past year, the program was opened to homeless households as a small solution to this growing problem; there has been an overwhelming interest and response from the homeless community and \$45,000 was used to assist 42 households during fiscal year 2003-2004, and

WHEREAS, at this time, staff has reviewed the program in detail and is recommending program changes to better meet the challenges of the target audience, as set forth in the Director of Parks, Recreation and Neighborhoods' report to Council dated June 28, 2004, and

WHEREAS, significant changes are:

- Eligibility limited to homeless households or households being displaced through the City's code enforcement effort,
- Expand the definition of homelessness to meet HUD guidelines,

- Household's income cannot exceed 70% of the Median Area Income, decreased from 80% used during fiscal year 2003-2004,
- Households must contribute 10% of first month's rent,
- Rent must not exceed HUD guidelines for Fair Market Rent for the area, and tentatively, require applicants to attend Housing Counseling/Budget Workshop, and

WHEREAS, homeless, as defined by HUD, is any household lacking a regular, fixed, adequate nighttime residence; it can include those persons not having a roof over their head, living in a dwelling not considered a home (shed), living in a shelter, transitional housing, supportive housing, living in an institution for 30 days, or those facing imminent eviction, and

WHEREAS, homeless means those persons or households "not having the resources or support to obtain access to housing, and proof of homelessness will be obtained through the various types of documentation, and

WHEREAS, additionally, staff is working with a local agency that can offer housing counseling to assisted households prior to move-in; this will help the households to have the budget and social skills to remain in the selected housing, and

WHEREAS, staff is also working with the City Attorney's Office to create a condition that requires the landlord to return any unearned security deposit to the City if the tenant moves out within six months of receiving assistance from the City; this money would be re-programmed for more TBRA assistance, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its June 28, 2004 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves staff's recommended changes to the Tenant Based Rental Assistance (TBRA) program beginning fiscal year 2004-2005, as set forth herein and mad a part hereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-358**

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

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

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

WHEREAS, STANCO has expressed their interest in renewing the lease which expired on July 13, 2004; and

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

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its June 25, 2004 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-359

RESOLUTION ACCEPTING THE WORK BY COLLINS ELECTRICAL COMPANY, INC. FOR THE "STREET ILLUMINATIONS – 29 INTERSECTIONS" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$166,788.50 PER THE CONTRACT. TOTAL PROJECT COST IS \$203,439.99

WHEREAS, a report has been filed by the Public Works Director that the project titled "Street Illumination – 29 Intersections" has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated May 27, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Street Illumination – 29 Intersections" project be accepted from said contractor, Collins Electrical Company, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$166,788.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-360**

**RESOLUTION ACCEPTING THE WORK BY FENCE SYSTEMS, INC., DBA THE YARD FOR THE “BRIGGSMORE SOUND WALL – WEST OF TULLY” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$61,790.50 PER THE CONTRACT. TOTAL PROJECT COST IS \$80,261.47.**

WHEREAS, a report has been filed by the Public Works Director that the project titled “Briggsmore Sound Wall – West of Tully” has been completed by Fence Systems, Inc., dba The Yard, in accordance with the contract agreement dated March 23, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “Briggsmore Sound Wall – West of Tully” project be accepted from said contractor, Fence Systems, Inc., dba The Yard, that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$61,790.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-361**

**A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO  
COMMON USE WITH MODESTO IRRIGATION DISTRICT (MID) AT MID  
LATERAL NO. 6 AT WELL 50, AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto desires to construct a flush line from the GAC filters that are to be relocated to Well 50, and

WHEREAS, the flush line from the GAC filters at Well 50 will go along MID Lateral No. 6 to Tully Road, and

WHEREAS, installation of the flush line in MID's Lateral No. 6, rather than the access easement to Well 50, avoids trenching about 500 feet of the paved entrance to the Big Valley Grace Church, and

WHEREAS, the Modesto Irrigation District (MID) has an interest in certain real property commonly known as MID Lateral No. 6, and

WHEREAS, staff at MID has approved an Agreement Consenting to Common Use for this property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Consenting to Common Use with Modesto Irrigation District for installation of a flush line from Well 50 to Tully Road.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-362**

**A RESOLUTION APPROVING A PROPERTY LEASE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA STATE LANDS  
COMMISSION FOR CONSTRUCTION, USE AND MAINTENANCE OF  
SANITARY SEWER PIPELINES ACROSS THE TUOLUMNE RIVER AT THE  
SHACKELFORD CROSSING, AND AUTHORIZING EXECUTION OF THE  
LEASE AGREEMENT BY THE CITY MANAGER**

WHEREAS, an existing City sanitary sewer pipeline crosses the Tuolumne River at the Shackelford crossing and is under the jurisdiction of a California State Lands Commission Agreement, and

WHEREAS, said existing City sanitary sewer pipeline is operating satisfactorily but is nearing its useful life, and

WHEREAS, City desires to construct new pipeline construction across the Tuolumne River, which will be in the California State Lands Commission jurisdiction, and

WHEREAS, new pipeline construction across the Tuolumne River will require a new California State Lands Commission Lease Agreement, which does not require any monetary payment by City, other than an application fee of \$1,775, which has been paid to the State for the State's cost to process the application for the lease,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the property lease agreement between the City of Modesto and the California State Lands Commission for construction, use and maintenance of sanitary sewer pipelines across the Tuolumne River at the Shackelford Crossing is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 363**

**A RESOLUTION APPROVING A TEN-YEAR WATER SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND BASINWATER, INC. FOR SERVICES AND LEASE OF EQUIPMENT RELATED TO THE REMOVAL OF NITRATES AT WELL NO. 100 LOCATED WITHIN THE CITY OF MODESTO WATER SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City of Modesto is the potable water provider for Modesto, and

WHEREAS, Well No. 100 is owned by the City of Modesto and requires nitrate treatment to meet water quality standards, and

WHEREAS, an engineering contract was approved by the City Council on November 6, 2002, to evaluate treatment options for nitrate removal, and

WHEREAS, this engineering contract is complete with a recommendation that Ion Exchange treatment be utilized, and

WHEREAS, BasinWater, Inc. can provide the necessary service and equipment for removal of nitrates at Well 100, and

WHEREAS, it is the City's obligation to provide and maintain an adequate water supply for public health and safety, and

WHEREAS, City staff has arranged for a long-term Water Services Agreement with BasinWater, Inc. for an Ion Exchange unit for nitrate treatment at Well No. 100, and

WHEREAS, costs for Fiscal Year 2004-2005 are estimated at \$348,600, including \$140,000 in one-time startup costs for installation and construction work to prepare the well site, and

WHEREAS, the Agreement terms are considered acceptable to the City,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby approves a ten-year Water Services Agreement with BasinWater, Inc. for services and lease of equipment related to the removal of nitrates at Well No. 100 at an estimated cost of \$348,600 in Fiscal Year 2004-2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-364**

**A RESOLUTION APPROVING THE FY 2004-2005 BUDGET FOR THE  
STANISLAUS RESOURCE RECOVERY (“WASTE-TO-ENERGY”) FACILITY**

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and

Covanta Stanislaus in the Stanislaus Resource Recovery Facility (the “Waste-to-Energy” or “WTE” Facility), and

WHEREAS, the Agreement established a Solid Waste-to-Energy Executive Committee (“Executive Committee”) to prepare an annual budget for each fiscal year, which Waste-to-Energy annual budget is to be submitted to the City Council and Board of Supervisors for approval, and

WHEREAS, at its April 29, 2004, meeting the Solid Waste-to-Energy Executive Committee considered the 2004/2005 budget as shown in the attached Exhibit “A”, and the Executive Committee unanimously approved forwarding the 2004/2005 Waste-to-Energy budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the FY 2004-2005 Waste-to-Energy Project Budget, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference, as recommended by the City/County Solid Waste-to-Energy Executive Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## WTE Budget FY 01-05

DESCRIPTION	FY 01-02		FY 02-03		FY 03-04		FY 04-05
	Budget	Expenditures	Budget	Expenditures	Budget	Est. Actual Expenditures	Proposed Budget
60400 Communications	500.00	0.00	0.00	0.00	0.00	0.00	0.00
61600 Maintenance- Equipment	500.00	0.00	0.00	0.00	0.00	0.00	0.00
62200 Memberships	12,000.00	12,000.00	12,000.00	15,000.00	15,500.00	15,500.00	15,500.00
62600 Office Supplies	1,000.00	0.00	0.00	0.00	200.00	0.00	200.00
62780 Books & Periodicals	500.00	0.00	0.00	0.00	200.00	0.00	200.00
62900 Exp. Equipment - To \$5,000	0.00	0.00	0.00	(7,367.00)	0.00	0.00	0.00
63000 Professional & Special Svcs	174,000.00	26,387.50	160,000.00	21,135.00	134,000.00	51,169.00	166,000.00
63280 Contracts	0.00	34,932.45	0.00	(20,584.00)	0.00	0.00	0.00
63400 Engineering Services	0.00	0.00	100,000.00	0.00	100,000.00	18,000.00	50,000.00
63410 Admin. Services (City)	150,000.00	150,000.00	160,000.00	160,000.00	170,000.00	174,500.00	192,360.00
63640 Legal Services	250,000.00	4,520.00	200,000.00	52,727.00	200,000.00	130,461.00	150,000.00
65000 Publications & Legal Notices	200.00	0.00	200.00	0.00	200.00	0.00	200.00
65100 Rents & Leases-Equipment	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00
65300 Rents & Leases-Struct & Grnds	4,000.00	0.00	0.00	0.00	0.00	0.00	0.00
65780 Education & Training	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00
65920 Meeting Allowance	0.00	0.00	0.00	(307.00)	0.00	0.00	0.00
66710 Service Charges	9,980,842.00	6,718,697.96	7,770,342.00	7,064,950.00	7,645,470.00	5,300,000.00	5,859,000.00
67040 Other Travel Expenses	7,500.00	1,367.96	7,500.00	1,477.00	7,500.00	5,000.00	7,500.00
74080 Central Scvc Printing	0.00	0.00	0.00	0.00	200.00	0.00	0.00
74250 County Counsel Services	23,000.00	6,045.12	23,000.00	10,211.00	17,308.00	17,308.00	20,000.00
74300 Funds >13-Svc dpt Billings-In	0.00	0.00	0.00	0.00	0.00	0.00	0.00
74301 Funds >13-Svc dpt Billings-Au	110.00	136.53	110.00	347.00	130.00	130.00	130.00
74302 Funds >13-Svc dpt Billings-Pu	200.00	180.47	200.00	260.00	300.00	300.00	210.00
74370 Stores-Office Supplies	220.00	0.00	220.00	0.00	220.00	220.00	0.00
74520 Admin. Services (County)	75,000.00	74,796.80	96,000.00	94,520.00	103,344.00	103,344.00	110,000.00
74880 Funds >13 - A-87 charges-CEO	428.00	428.00	428.00	0.00	428.00	428.00	0.00
74881 A-87 charges							230.00
85850 Other Operating Transfers Out	876,000.00	781,898.00	0.00	398,935.00	0.00	0.00	0.00
85850a Operating Transfers Out - AB 939			405,000.00	398,935.00	405,000.00	400,000.00	405,000.00
85850b Operating Transfers Out HHW			405,000.00	376,647.00	405,000.00	400,000.00	405,000.00
<b>Total</b>	<b>11,558,000.00</b>	<b>7,661,266.59</b>	<b>9,340,000.00</b>	<b>8,566,886.00</b>	<b>9,205,000.00</b>	<b>6,616,360.00</b>	<b>7,381,530.00</b>

**FY 2004-2005 Waste to Energy Project Budget Expenditures - Additional Detail**

Account	Amount	Description
60400	\$0	Communications - provision for personal communications equipment
61600	\$0	Maintenance - equipment - provision for equipment maintenance contracts
62200	\$15,500	Memberships -- \$15,000: Annual Membership in the Independent Energy Producers Association, which was formed to represent the interests of small energy producers. \$500: Annual membership in the IWSA, a national organization representing the interest of waste-to-energy facilities.
62600	\$200	Office Supplies - WTE letterhead, envelopes, etc.
62780	\$200	Books/Periodicals - provision for WTE related publications
63000	\$166,000	Professional and Special Services <u>\$80,000: Financial Advisors</u> - Ongoing Financial Advisor Services related to the administration of the project, such as disposal fee projections. <u>\$50,000: Energy Consultant</u> - Energy expert to provide assistance in negotiations for energy contracts and to advise project on other energy market related matters. <u>\$36,000: Legislative Lobbyist</u> - Lobbyist to represent the project=s interests with the Legislature, ISO, and other state agencies
63280	\$0	Contracts
63400	\$50,000	Engineering Services - Contingency for engineering services that may be required if there are any required modifications to the facility.
63410	\$192,360	Administrative Services - Reimbursement to the City of Modesto for staff costs associated with the project, as follows; Engineering & Transportation - \$30,000 City Attorney - \$32,220 Solid Waste - \$115,140 Office Expenses - \$15,000
63640	\$150,000	Legal Services - Outside legal counsel to the project, Bond Counsel to the project, and other necessary legal assistance.
65000	\$200	Public/legal notices - Provision for required legal notices
65100	\$0	Rent/equipment - Provision for office equipment rental
65300	\$0	Rent/structure- Provision for administration space rental
66710	\$5,859,000	Service Charges - Annual total of payments of the monthly Service Fees to Ogden Martin, which includes Debt Service, O&M costs, Pass Throughs and other costs.
67040	\$7,500	Travel Expenses - For project related travel.
<b>60</b>	<b>\$6,440,960</b>	<b>Services &amp; Supplies</b>

**FY 2003-2004 Waste to Energy Project Budget  
Revenue Projections**

Account	Amount Budgeted	Description
17000	\$1,500,000	Interest - Interest on pooled cash
34400	\$5,741,530	Sanitation Service - Disposal fee revenues
36470	\$0	Other - Service charge
40590	\$0	Donations & contributions
40860	\$140,000	Miscellaneous reimbursement - supplemental waste revenue and service fee credits
41450	\$0	Prior period revenue
	<b>\$7,381,530</b>	<b>Total Revenues for FY 2003-2004</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-365**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES  
WITHIN LANDSCAPE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK  
MEADOWS SUBDIVISIONS NOS. 1-6**

WHEREAS, the City of Modesto has by Resolution No. 2004-266 adopted on May 25, 2004, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the Landscaping and Lighting Act of 1972, and

WHEREAS, the cost for Fiscal Year 2004-05 is \$26.00 annual assessment per lot, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of \$26.00 annual assessment per lot within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for the 2004-05 fiscal year, and that a certified copy of this resolution shall be

delivered to the Auditor –Controller of the County of Stanislaus for placement of such charges on the 2004-05 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-366**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES  
WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR  
DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD  
MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION  
UNITS 1 & 2**

WHEREAS, the City of Modesto has by Resolution No. 2004-267, adopted on May 25, 2004, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, under the provisions of the Landscaping and Lighting Act of 1972, and

WHEREAS, the cost for Fiscal Year 2004-05 is \$101.30 per acre for commercial property and \$19.94 for each residential property, and

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

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

WHEREAS the City of Modesto has further determined that the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of \$101.30 per acre for commercial property and \$19.94 for each residential property within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood

Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 for the 2004-05 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor – Controller of the County of Stanislaus for placement of such charges on the 2004-05 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-367

**AMENDED**  
on August 12, 2008  
By Resolution 2008-483

**A RESOLUTION SETTING TIPPING FEES AT MODESTO COMPOSTING  
FOR GREEN WASTE, PRUNED REFUSE, AND BIOSOLIDS AND  
ESTABLISHING A SEPARATE COMPOST ENTERPRISE FUND**

WHEREAS, the City of Modesto operates a compost facility, Modesto Composting, at the Secondary Wastewater Treatment facility on Jennings Road, and

WHEREAS, historically Modesto Composting has not charged a tip fee for green waste, pruned refuse, or biosolids from City sources, but has charged the entire cost of the composting operation to the Wastewater Fund because all of the materials were co-composted together as a strategy for recycling the biosolids, and

WHEREAS, the compost facility has therefore been operated as part of the Wastewater Fund, and

WHEREAS, due to changes in regulatory and market conditions, it is no longer practical to compost all of the green waste and pruned refuse with the biosolids, and the facility is now co-composting only a portion of the green waste and pruned refuse with the biosolids, and is composting the majority of the green waste separately, and

WHEREAS, it is therefore no longer equitable to charge the entire cost of the composting operation to the Wastewater Fund, and

WHEREAS, a fee based system at Modesto Composting would be the most equitable way to allocate the cost of operating the facility to the correct user group, and

WHEREAS, by an agenda report dated June 24, 2004, from the Acting Engineering and Transportation Director, City staff is recommending that the City's Composting Facility

AMENDED

~~be established as a separate Enterprise Fund and that tip fees be established for facility users at the Compost Facility, and~~

WHEREAS, City staff recommends a tip fee of \$18.35 per ton for green waste and pruned refuse, and a tip fee of \$6.50 per ton for biosolids be established for users of the Compost Facility, effective August 1, 2004, and

WHEREAS, a combination of tip fees for green waste, pruned refuse, and biosolids, and revenues from the sale of the compost and co-compost products would offset all operations costs, and

WHEREAS, the Modesto City Council must approve the establishment of tip fees at Modesto Composting, and

WHEREAS, on June 7, 2004, the Economic Development Committee considered the proposal to establish tip fees at the facility and to create a separate Compost Enterprise Fund, and voted unanimously to forward staff's recommendation to the full Council, and

WHEREAS, a duly noticed public hearing before the City Council to be held on the 13<sup>th</sup> day of July, 2004, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, was set as the time and place to consider establishing tip fees for green waste, pruned refuse, and biosolids at the City's compost Facility, and

WHEREAS, at said public hearing on July 13, 2004, evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a tip fee of \$18.35 per ton for green waste and pruned refuse, and a tip fee of \$6.50 per ton for biosolids at the City's compost facility, effective August 1, 2004.

BE IT FURTHER RESOLVED that the Council authorizes the establishment of a separate Compost Enterprise Fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-368**

**A RESOLUTION AUTHORIZING NEGOTIATIONS WITH THE CITY'S SOLID  
WASTE COLLECTION COMPANIES FOR THE PROVISION OF PRUNED  
REFUSE COLLECTION SERVICES AND DIRECTING CITY STAFF TO BEGIN  
THE MEET AND CONFER PROCESS WITH MCEA AND MCMA CONCERNING  
PRIVATIZATION OF PRUNED REFUSE COLLECTION SERVICES**

WHEREAS, the City of Modesto provides residents with curbside or alley collection of large tree or shrub prunings during the months of February to November, and

WHEREAS, this program, referred to as "pruned refuse collection", is performed by city crews, and

WHEREAS, this service has been funded by sewer ratepayers since 1994, and the annual cost of providing pruned refuse and leaf collection is approximately \$1 million, and

WHEREAS, these same City crews collect leaves from City streets during the months of November and December, which services are paid for out of the Storm Drain Fund, and

WHEREAS, the City's solid waste collection companies also provide containerized collection of green waste, which is made up of materials such as grass and small prunings that cannot be put in the street piles in large "toters", and the cost of this collection program is included as part of the maximum garbage rates, and

WHEREAS, both green waste and pruned refuse are taken to the city's co-compost facility on Jennings Road, where some of the material is combined with biosolids from the primary treatment processes, and is used to make biosolids co-compost, and

WHEREAS, composting operations have also historically been funded out of the Wastewater Fund, and

WHEREAS, due to unresolved regulatory issues and limited markets for the biosolids co-compost products, the composting facility has now changed its production methods, and has reduced the amount of co-compost it produces, and instead produces more green waste compost, and

WHEREAS, due to this shift in production, it is now appropriate for the City to charge the costs of both the collection and composting operations to the garbage ratepayers and reduce the charges to the Wastewater Fund, and

WHEREAS, in a separate public hearing held on July 13, 2004, the Council authorized charging tip fees for green waste, pruned refuse, and biosolids to properly allocate the cost of composting operations to the correct ratepayers, and

WHEREAS, staff has recommended that the Council authorize negotiations with the City's solid waste collection companies to provide pruned refuse collection services, and

WHEREAS, if these negotiations are successful, the cost of the pruned refuse program would also become part of the maximum garbage rates, and

WHEREAS, a report dated July 13, 2004, from the Engineering and Transportation Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, July 13, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, was set as the date, time and place for consideration of said recommendations regarding pruned refuse collection services, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to negotiate with the City's licensed solid waste collection companies to provide pruned refuse collection services, and to report back to the Council with the results of these negotiations.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to begin the meet and confer process with MCEA and MCMA on the process and impacts of privatizing Pruned refuse collection services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-369

**A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2004, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THE SPECIAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS "ROBERTSON ROAD INFILL AREA," GENERALLY LOCATED SOUTH OF ROBERTSON ROAD, EAST OF CARPENTER ROAD, WEST OF HAYS STREET AND NORTH OF JOHN STREET CONTAINING 334 PARCELS ON 96.8 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN, AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO ("CITY") AND COUNTY OF STANISLAUS ("COUNTY") TO RESOLVE POTENTIAL FISCAL IMPACTS OF UPGRADING EXISTING DEFICIENT INFRASTRUCTURE WITHIN THE ROBERTSON ROAD INFILL AREA OF THE MODESTO URBAN AREA GENERAL PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens' Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer improvement without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens' Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at a special municipal election to be held on November 2, 2004, an advisory measure relating to the provision of sewer service to a certain area of the City with the understanding that

this action is not the first step leading to annexation, it is for the sole purpose of making sewer service available to that area and with the further understanding that no City funds will be expended to provide such sewer service, and

WHEREAS, the Measure M Policy further provides that a Measure M vote for substantial infill areas will not be scheduled until the City and County have addressed and reached agreement to resolve the potential fiscal impacts of upgrading existing deficient infrastructure, and

WHEREAS, the City and County have resolved the potential impacts of upgrading existing infrastructure on the terms and conditions as set forth in an agreement entitled Public Improvement Agreement (“Agreement”) so that the City can schedule a Measure M vote for the Infill Area.

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

SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a special election to be held on November 2, 2004, an advisory measure relating to the provision of sewer service to certain areas of the City as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE D

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

**“Robertson Road Infill Area”**

The following unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street, and north of John Street containing 334 parcels on 96.8 acres.

SECTION 2. FORM OF BALLOT

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE D City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

**Robertson Road Infill Area**

The following unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street, and north of John Street containing 334 parcels on 96.8 acres.

SECTION 3. CONSOLIDATION

Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of Stanislaus County is hereby requested to consent and agree to the consolidation of the special municipal election with the statewide general election on Tuesday, November 2, 2004, for the purpose of submitting the ballot measure described in Section 1.

SECTION 4. CONDUCT OF ELECTION

That the County Elections Department is hereby authorized to canvass the returns of the special municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. That the Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all such steps necessary for the holding of the consolidated election.

#### SECTION 5. ELECTION COSTS

Normally when the City of Modesto calls a special election to be consolidated with the statewide general election all additional costs associated with the special election incurred by the County are reimbursed to the County by the City. However, in this instance, pursuant to the terms of the Agreement, the County has agreed to pay for all such additional costs.

#### SECTION 6. CITY CLERK CERTIFICATION

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-370**

**A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS "ROBERTSON ROAD INFILL AREA," GENERALLY LOCATED SOUTH OF ROBERTSON ROAD, EAST OF CARPENTER ROAD, WEST OF HAYS STREET AND NORTH OF JOHN STREET CONTAINING 334 PARCELS ON 96.8 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN.**

WHEREAS, the City Council had directed the City Clerk to submit to the voters at a special municipal election to be held on November 2, 2004, an advisory measure concerning the unincorporated area referred to as "Robertson Road Infill Area," the unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street and north of John Street containing 334 parcels on 96.8 acres in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of July, 2004 by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-371**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS "ROBERTSON ROAD INFILL AREA," GENERALLY LOCATED SOUTH OF ROBERTSON ROAD, EAST OF CARPENTER ROAD, WEST OF HAYS STREET AND NORTH OF JOHN STREET CONTAINING 334 PARCELS ON 96.8 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.**

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at a special municipal election to be held on November 2, 2004, an advisory measure concerning the unincorporated area referred to as "Robertson Road Infill Area," the unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street and north of John Street containing 334 parcels on 96.8 acres, in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of July, 2004 by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-372**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOSEPH GARDELLA FROM THE PLANNING COMMISSION**

WHEREAS, JOSEPH GARDELLA was appointed a member of the Planning Commission on July 23, 2002, and

WHEREAS, JOSEPH GARDELLA has tendered his resignation from the aforementioned committee, and

WHEREAS, JOSEPH GARDELLA has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of JOSEPH GARDELLA from the Planning Commission hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JOSEPH GARDELLA for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of July, 2004 by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Marsh, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-373**

**A RESOLUTION APPOINTING JOHN A. SANDERS TO THE PLANNING  
COMMISSION**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. JOHN A. SANDERS, is hereby appointed to the Planning Commission with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant,

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Marsh, Mayor Ridenour

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-374**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
ANDREW MENDLIN FROM THE PLANNING COMMISSION**

WHEREAS, ANDREW MENDLIN was appointed a member of the Planning Commission on December 15, 1998, and

WHEREAS, ANDREW MENDLIN has tendered his resignation from the aforementioned committee, and

WHEREAS, ANDREW MENDLIN has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of ANDREW MENDLIN from the Planning Commission hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to ANDREW MENDLIN for his outstanding service to the community.

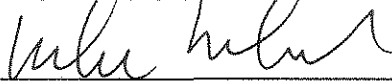
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-375**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
ROBERT LOMBARDI FROM THE COMMUNITY QUALITIES FORUM**

WHEREAS, ROBERT LOMBARDI was appointed a member of the Community Qualities Forum on February 25, 2003; and

WHEREAS, ROBERT LOMBARDI has tendered his resignation from the Community Qualities Forum, effective August 8, 2004; and

WHEREAS, ROBERT LOMBARDI has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of ROBERT LOMBARDI from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to ROBERT LOMBARDI for his outstanding service to the community.

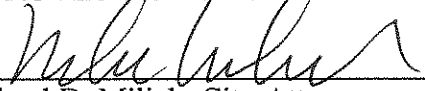
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-376**

**A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND TURNSTONE CONSULTING FOR PRELIMINARY WORK TO ASSIST IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED KAISER MEDICAL CAMPUS PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED EIGHTY-SEVEN THOUSAND, THREE HUNDRED FIFTEEN AND NO/100 CENTS (\$287,315.00)**

WHEREAS, Kaiser Permanente has applied for an amendment to the Kiernan Business Park Specific Plan, rezoning to a planned development zone, a development agreement, annexation and sphere of influence amendment to allow a 1.425 million square-foot medical campus and the annexation of 39 acres of adjacent business park land located on the west side of Dale Road north of Bangs Avenue (“Kaiser Medical Campus”), and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for projects, and

WHEREAS, the City has determined that an environmental impact report is required for the proposed Kaiser Medical Campus project, and

WHEREAS, on December 10, 2002, the City Council approved a list of environmental service providers, including the firm of Turnstone Consulting, to assist with the preparation of environmental impact reports and other environmental documents for the Kaiser Medical Campus project, and

WHEREAS, City staff selected Turnstone Consulting to prepare the environmental impact report for the Kaiser Medical Campus because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, City Staff anticipates that the EIR work will involve three contract phases, and

WHEREAS, on June 24, 2003, the City Council adopted Resolution No. 2003-298, approving an agreement with Turnstone Consulting for preliminary work to assist in the preparation of an Environmental Impact Report (“EIR”) for the proposed Kaiser Medical Campus in an amount not to exceed \$130,793.00 (“Agreement”), and

WHEREAS, on October 28, 2003, the City Council adopted Resolution No. 2003-561, approving Amendment No. 1 to the Agreement with Turnstone Consulting for preparation of the Draft EIR in an amount not to exceed \$635,768.00, and

WHEREAS, on May 11, 2004, the City Council adopted Resolution No. 2004-250 approving Amendment No. 2 to the Agreement with Turnstone Consulting to perform additional tasks related to the preparation of the Draft EIR, in an amount not to exceed \$160,450.00, and

WHEREAS, City staff have negotiated a scope of work for the final phase of the contract involving completion of the final EIR and attendance at public hearings in an amount not to exceed Two Hundred Eighty-Seven Thousand, Three Hundred Fifteen and No/100 Cents (\$287,315.00), and now recommend that the Agreement be amended to add this work to the contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 3 to the Agreement between the City of Modesto and Turnstone Consulting Corporation to perform tasks related to the completion of the final EIR in an amount not to exceed Two Hundred Eighty-Seven Thousand, Three Hundred Fifteen and No/100 Cents (\$287,315.00) is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No. 3 to the Agreement.

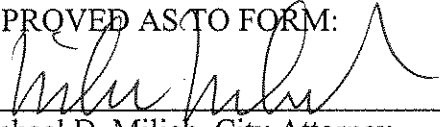
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-377**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO SOLICIT BIDS FOR NEW VEHICLES AND HEAVY EQUIPMENT THROUGHOUT FY 04/05 THROUGH VARIOUS COMPETITIVE PROCESSES AND IN A CUMULATIVE AMOUNT NOT TO EXCEED THE BUDGETED AMOUNT OF \$2,859,500, AND AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE SEVENTEEN (17) USED VEHICLES AT WHOLESALE AUCTION OR THROUGH OTHER COMPETITIVE PROCESSES FOR AN ESTIMATED BUDGETED AMOUNT OF \$263,500.**

WHEREAS, the City has an ongoing need to purchase vehicles and heavy equipment throughout the year, and

WHEREAS, the expenditures for vehicles and heavy equipment have been approved by Council through the budget process, and

WHEREAS, the vehicles and heavy equipment are purchased by means of formal and informal bid processes, auction, negotiation, and by “piggybacking” off State contracts and other agencies’ competitively bid contracts, and

WHEREAS, in past years Council has authorized the Purchasing Supervisor to solicit bids and go to auction for said vehicles and heavy equipment without having to go before the Finance Committee and the Council for authorization to issue bids, and

WHEREAS, in August of 2002 the Purchasing Supervisor went before the Finance Committee seeking authorization to purchase budgeted vehicles and heavy equipment for the entire 02/03 fiscal year, and

WHEREAS, based on the uncertainty of the State budget, the Finance Committee requested that purchases for vehicles and heavy equipment be brought forward on an as needed basis, and

WHEREAS, over the next twenty-three (23) months the Purchasing Supervisor went before the Finance Committee on numerous occasions seeking authorization to purchase new vehicles and heavy equipment, and

WHEREAS, the Finance Committee gave their authorization for all of the requests and then the items were taken before Council for authorization to bid, and

WHEREAS, after going through the bidding or competitive purchasing processes the requests then went back to Council for authorization to award , and

WHEREAS, each vehicle and/or heavy equipment staff report that goes through this process takes approximately 90-120 days to complete and on average accounts for approximately fifteen (15) hours of staff time to process, and

WHEREAS, by authorizing the Purchasing Supervisor to purchase budgeted vehicles and heavy equipment for the entire fiscal year without returning to Council for subsequent solicitation of bids approval, the following benefits are realized:

- Reduces staff time when preparing for and conducting the bidding process,
- Avoids the possibility of missing manufacturer cut-off ordering dates,
- Improves delivery time of new vehicles allowing them to be put into service sooner,
- Improves reaction time as “good deals “ become available, and

WHEREAS, by authorizing the Purchasing Supervisor to solicit bids and attend auctions to purchase vehicles and equipment for the entire fiscal year without having to go before Council for bid/purchasing approval the City will save substantial staff and processing time, and

WHEREAS, the request for authorization to award bid and contract for new vehicles and equipment will still come before Council and conform to Modesto Municipal Code (MMC) 8-3.203(a), and

WHEREAS, the Purchasing Division will continue to work at increasing local vendor inclusion in the bidding process, and

WHEREAS, upon approval by Council the Purchasing Supervisor will solicit bids for new vehicles and heavy equipment throughout FY 04/05 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$2,859,500, and

WHEREAS, upon approval by Council the Purchasing Supervisor or his representative will purchase seventeen (17) used vehicles at auction or through various competitive processes for an estimated total budgeted amount of \$263,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit bids for new vehicles and equipment throughout FY 04/05 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$2,859,500, and returning to Council for authorization to award said new vehicles and equipment.

BE IT FURTHER RESOLVED that the Purchasing Supervisor or his representative is hereby authorized to purchase seventeen (17) used vehicles for an estimated budgeted amount of \$263,000 at auction or through various competitive processes without having to return to Council for authorization to award said used vehicles.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
Michael D. Milich, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-378**

**A RESOLUTION APPROVING TWO (2) ANNUAL RETAIL ADVERTISING CONTRACTS WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP), TO COINCIDE WITH THE FISCAL YEAR CALENDAR, CONSISTING OF, ONE (1) CONTRACT FOR A 500-COLUMN-INCH “NO-COMMITMENT” ADVERTISING RATE OF \$47.95 PER COLUMN INCH AND THE OTHER CONTRACT FOR A “12X COMMITMENT” BUSINESS PACKAGE ADVERTISING PLAN “D”, AT A STANDARD AD SIZE RATE OF \$34.28 PER COLUMN INCH AND AUTHORIZING THE CITY MANAGER TO EXECUTE BOTH CONTRACTS**

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, in May of 2002 Council directed staff to consolidate the procurement of advertising through a central source in order to obtain the best contractual pricing available for the City, and

WHEREAS, the City’s Purchasing Supervisor met with the Modesto Bee and based on advertising volume commitments identified two (2) retail contract options which best met the City’s retail advertising needs, and

WHEREAS, in November of 2003 staff went before Council with a recommendation to approve both retail advertising contracts for a seven (7) month time frame to coincide with fiscal year calendar, and

WHEREAS, in November of 2003, by Resolution No. 2003-605, Council approved both contracts and authorized the City Manager to sign the seven (7) month contracts, and

WHEREAS, both retail contracts expired on June 30, 2004, and

WHEREAS, staff met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew both retail advertising contracts for another year based on the fiscal year calendar, and with a 5% price increase on both, and

WHEREAS, Council has requested that the annual retail advertising contracts be put in place to coincide with the fiscal year calendar, and

WHEREAS, the price increase associated with the contract renewal would put the "non-profit no-commitment" contract rate at \$47.95 per column inch and the "12x - commitment business package" rate at \$34.28 per column inch, and

WHEREAS, the Purchasing Supervisor has determined that a process other than the formal bid procedure will result in a procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in MMC 8-3.204(d), and

WHEREAS, the Finance Committee at its July 15, 2004 meeting voted unanimously to move this item to full Council for review, and

WHEREAS, once signed, both advertising contracts shall be implemented and tracked by the City's Purchasing Supervisor, and with the City's Public Information Technician assisting departments with their advertising needs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves two (2), twelve (12) month retail advertising contracts with the Modesto Bee (McClatchy Newspaper Group), to coincide with the fiscal year calendar, one for a 500 column inch "no-commitment" non-profit rate at \$47.95 per column inch and the other for a "12x-commitment" business package advertising plan "D" at a rate of \$34.28 per column inch, based on a standard 2x5 inch ad size run three (3) times as outlined in plan "D".

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute the contracts.

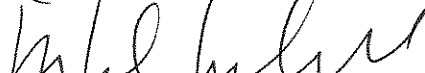
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

# 2004 Package Plan Rates revised 6/14/04

Sunday Open Rate                      \$69.75                      Daily Open Rate                      \$62.95

Total per  
col. inch    1st Day    2nd Day    3rd Day    4th Day    Sat/Sun/Holiday

## Plan A: 2 Weekdays

Open	\$105.72	\$52.86	\$52.86		
6X	\$93.12	\$46.56	\$46.56		
12X	\$86.82	\$43.41	\$43.41		
24X or more	\$80.54	\$40.27	\$40.27		

## Plan B: 1 Weekday + 1 Weekend Day (or Holiday)

Open	\$111.16	\$52.86			\$58.30
6X	\$97.89	\$46.56			\$51.33
12X	\$91.26	\$43.42			\$47.84
24X or more	\$84.62	\$40.27			\$44.35

## Plan C: 3 Weekdays

Open	\$118.32	\$39.44	\$39.44	\$39.44	
6X	\$108.87	\$36.29	\$36.29	\$36.29	
12X	\$99.42	\$33.14	\$33.14	\$33.14	
24X or more	\$90.00	\$30.00	\$30.00	\$30.00	

## Plan D: 2 Weekdays + 1 Weekend Day (or Holiday)

Open	\$122.40	\$39.44	\$39.44		\$43.52
6X	\$112.61	\$36.29	\$36.29		\$40.03
12X	\$102.83	\$33.14	\$33.14		\$36.55
24X or more	\$93.06	\$30.00	\$30.00		\$33.06
40X or more	\$86.64	\$28.88	\$28.88		\$28.88

## Plan E: 4 Weekdays

Open	\$130.88	\$32.72	\$32.72	\$32.72	\$32.72
6X	\$118.32	\$29.58	\$29.58	\$29.58	\$29.58
12X	\$112.00	\$28.00	\$28.00	\$28.00	\$28.00
24X or more	\$105.72	\$26.43	\$26.43	\$26.43	\$26.43

## Plan F: 3 Weekdays + 1 Weekend Day (or Holiday)

Open	\$134.29	\$32.72	\$32.72	\$32.72	\$36.13
6X	\$121.38	\$29.58	\$29.58	\$29.58	\$32.64
12X	\$114.89	\$28.00	\$28.00	\$28.00	\$30.89
24X or more	\$108.44	\$26.43	\$26.43	\$26.43	\$29.15

For more information contact your Account Manager or Bee Advertising at (209) 578-2030

# The Modesto Bee

[www.modbee.com](http://www.modbee.com)

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 379**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL BUDGET**

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in **Schedule A.**

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: \_\_\_\_\_

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

### July Monthly adjustment

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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#### DEPARTMENTAL REVENUES

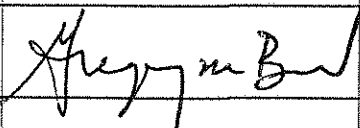
<b>FROM</b>					
05-8500-490-4924-4909		\$17,692	(\$17,692)		Interfund Svc Credits
<b>TO</b>					
05-0100-120-1232-4909		\$5,460	\$12,000	\$17,460	Interfund Svc Credit

#### APPROPRIATIONS

<b>FROM</b>					
05-7200-480-5813-0255	5813C	\$19,194	(\$17,692)	\$1,502	Interfund City Forces
05-7200-800-8000-8003	7200R	\$17,692	(\$12,000)	\$5,692	Fleet Contingency
<b>TO</b>					
05-7200-800-8000-8003	7200R		\$17,692	\$17,692	Fleet Contingency
05-7200-480-5813-0255	5813C	\$1,502	\$12,000	\$13,502	

#### COMMENTS/JUSTIFICATION

This budget adjustment will clean up the relocation of the Fleet Pool. Originally the JPA TSP provided this service to the Fleet Fund. Beginning in FY05 that job was shifted to the 5th floor Finance Department Purchasing Division. This adjustment will reduce the revenue received by the JPA and increase the revenues of the Finance Department. Fleet will also see a slight reduction in their Interfund Svc expense.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		7/7/04
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 380**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS WITHIN IMPROVEMENT DISTRICT #29 – STREET  
AND WATER SYSTEM IMPROVEMENTS**

WHEREAS, the City Council of the City of Modesto, California (“Council”), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #29 – Street and Water System Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the street and water system improvements; and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2004-05 fiscal year as shown in **Attachment A**, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2004-05 County tax roll.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

<b>City of Modesto</b>		
<b>2004/05 Budget Worksheet</b>		
Local Improvement District No. 29		
Fund Number 56125		
Levy Components	2003/04	2004/05
<b>PRINCIPAL AND INTEREST</b>		
Principal	\$89,000.77	\$98,889.72
Interest	19,545.57	13,582.50
<b>TOTAL</b>	<b>\$108,546.34</b>	<b>\$112,472.22</b>
<b>ADMINISTRATION COSTS</b>		
Agency Administration	\$1,685.00	\$2,897.00
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	67.80	67.80
Registrar/Transfer/Paying Agent Fees	3,181.00	3,049.00
Consulting Services(1)	1,801.00	1,830.69
Total Fixed Admin Charge	0.00	0.00
Miscellaneous/Other Fees	0.00	0.00
Remaining Statutory Collection Fee(2)	0.00	0.00
<b>Admin Sub Total</b>	<b>6,534.80</b>	<b>7,844.49</b>
Delinquency Management Allowance	0.00	0.00
Escaped Levies	0.00	0.00
<b>TOTAL ADMIN</b>	<b>\$6,534.80</b>	<b>\$7,844.49</b>
<b>Total Principal, Interest and Admin Costs</b>	<b>\$115,081.14</b>	<b>\$120,316.71</b>
<b>Fixed Admin Charge per Parcel</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>CREDITS APPLIED TO LEVY</b>		
Construction Fund Credit	\$0.00	\$3,816.00
Reserve Fund Credit	0.00	0.00
Redemption Fund Credit	0.00	8,000.00
Miscellaneous/Adjustment Credit	9,000.00	9,400.00
<b>TOTAL</b>	<b>\$9,000.00</b>	<b>\$21,216.00</b>
<b>TOTAL CHARGE</b>		
<b>Total Charge</b>	<b>\$106,081.14</b>	<b>\$99,100.71</b>
<b>Applied Charge</b>	<b>\$106,081.18</b>	<b>\$99,100.64</b>
Difference (due to rounding)(3)	\$0.04	-\$0.07
<b>ADDITIONAL INFORMATION</b>		
Number of Parcels Charged	89	89
Statutory Collection Fee(4)	\$1,424.00	\$1,424.00
Admin Costs as a percent of Annual Levy	6.02%	6.97%

**Notes:**

- (1) Consulting services include, but are not limited to: District Administration Fees, Rebate Calculation Fees and Municipal Disclosure Fees.
- (2) Remaining Statutory Collection Fee is the difference between the current year Administrative Fees to be recovered and the Statutory Collection Fee.
- (3) The Difference is used to ensure that each parcel's levy amount is divisible by two, as required by the County Auditor-Controller.
- (4) The Statutory Collection Fee is a maximum of 5 percent of the levy amount, not to \$16 per parcel, per year and is used to cover Administrative Fees incurred by the Issuing Agency as allowed by Section 8582 of the California Streets and Highways Code.

LEVY APPROVED BY: Rebecca Dunbar

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 381**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT #6 – STREET  
AND WATER SYSTEM IMPROVEMENTS**

WHEREAS, the City Council of the City of Modesto, California (“Council”), has by previous resolutions, initiated proceedings, declared its intention to form the Public Facilities District #6 – Street and Water Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2004-05 fiscal year as shown in **Attachment A**, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2004-05 County tax roll.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

## City of Modesto

2004/05 Budget Worksheet  
Public Facilities District No. 6

Fund Number 56150

Levy Components	2003/04	2004/05
<b>PRINCIPAL AND INTEREST</b>		
Principal	\$27,697.66	\$27,697.54
Interest	3,933.07	1,966.53
<b>TOTAL</b>	<b>\$31,630.73</b>	<b>\$29,664.07</b>
<b>ADMINISTRATION COSTS</b>		
Agency Administration	\$482.00	\$829.00
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	52.20	52.20
Registrar/Transfer/Paying Agent Fees	1,628.00	1,515.00
Consulting Services(1)	273.58	335.58
Total Fixed Admin Charge	0.00	0.00
Miscellaneous/Other Fees	0.00	0.00
Remaining Statutory Collection Fee(2)	0.00	0.00
<b>Admin Sub Total</b>	<b>2,435.78</b>	<b>2,731.78</b>
Delinquency Management Allowance	0.00	0.00
Escaped Levies	0.00	0.00
<b>TOTAL ADMIN</b>	<b>\$2,435.78</b>	<b>\$2,731.78</b>
<b>Total Principal, Interest and Admin Costs</b>	<b>\$34,066.51</b>	<b>\$32,395.85</b>
<b>Fixed Admin Charge per Parcel</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>CREDITS APPLIED TO LEVY</b>		
Construction Fund Credit	\$0.00	\$0.00
Reserve Fund Credit	0.00	19,676.00
Redemption Fund Credit	0.00	8,500.00
Miscellaneous/Adjustment Credit	0.00	0.00
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$28,176.00</b>
<b>TOTAL CHARGE</b>		
<b>Total Charge</b>	<b>\$34,066.51</b>	<b>\$4,219.85</b>
<b>Applied Charge</b>	<b>\$34,066.52</b>	<b>\$4,219.86</b>
Difference (due to rounding)(3)	\$0.01	\$0.01
<b>ADDITIONAL INFORMATION</b>		
Number of Parcels Charged	11	11
Statutory Collection Fee(4)	\$167.13	\$0.00
Admin Costs as a percent of Annual Levy	7.70%	9.21%

**Notes:**

- (1) Consulting services include, but are not limited to: District Administration Fees, Rebate Calculation Fees and Municipal Disclosure Fees.
- (2) Remaining Statutory Collection Fee is the difference between the current year Administrative Fees to be recovered and the Statutory Collection Fee.
- (3) The Difference is used to ensure that each parcel's levy amount is divisible by two, as required by the County Auditor-Controller.
- (4) The Statutory Collection Fee is a maximum of 5 percent of the levy amount, not to \$16 per parcel, per year and is used to cover Administrative Fees incurred by the Issuing Agency as allowed by Section 8682 of the California Streets and Highways Code.

**LEVY APPROVED BY:** \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 382**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES  
FOR THE PURPOSE OF THE RECONSTRUCTION OF CERTAIN ALLEYS  
AND SIDEWALKS**

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to levy charges or assessments for the purpose of administering projects related to the reconstruction of alleys and sidewalks, pursuant to the provisions of the Streets and Highways Code, Chapter 27, Section 5870, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocation of cost reports by City Engineering, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of such charges related to the reconstruction of alleys and sidewalks as shown in **Attachment "A"** for the 2004-05 fiscal year, and that a certified copy of this resolution together with the attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2004-05 County tax roll.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 ASSESSMENT ROLL RECEIVABLE LIST  
 2004-2005

7/16/2004

SIDEWALKS & CURBS								1ST INSTALLMENT	2ND INSTALLMENT	TOTAL
1.	2004	029	1821	121	CAMERON, BILL H. & PAULINE	0700	480 4725 4053	239.43	239.43	478.86
2	2004	029	1823	121	SIMPSON, CLARENCE E & LOIS	0700	480 4725 4053	130.23	130.23	260.46
3		120	2204	261	WINTERS, HERMAN	0700	480 4725 4053	<u>205.55</u>	<u>205.55</u>	<u>411.10</u>
								575.21	575.21	1150.42

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-383**

**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO RECRUIT AND HIRE  
A FIRE PREVENTION TECHNICIAN II.**

WHEREAS, the Fire Prevention Bureau (FPB) plays a significant role in the development of new construction and tenant improvement projects throughout the City of Modesto, and

WHEREAS, there are approximately 1,100 businesses that require fire and life safety inspections each year, and

WHEREAS, several large construction projects are scheduled to start or have already started in FY 04-05 that will demand plan reviews and inspections, and

WHEREAS, in order to maintain current performance measures and plan review in fourteen (14) days or less an additional Fire Prevention Technician is needed, and

WHEREAS, the addition of a fourth Fire Prevention Technician will allow the Fire Prevention Bureau to maintain its current level of service, and

WHEREAS, this position was recommended by the Safety & Communities Committee and the Finance Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Fire Chief to recruit and hire a Fire Prevention Technician II.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

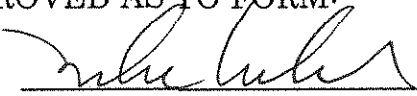
ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
MICHAEL D MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-384**

**A RESOLUTION AMENDING THE FISCAL YEAR '04-05 FIRE PREVENTION BUREAU EXPENDITURE BUDGET, INCREASING IT BY \$56,014 TO COVER THE SALARY AND BENEFITS ASSOCIATED WITH HIRING A FIRE PREVENTION TECHNICIAN II.**

WHEREAS, City Council approved recruiting and hiring of a Fire Prevention II Technician, and

WHEREAS, the position allocation for the Fire Prevention Bureau will be increased to reflect the hiring of the Fire Prevention Technician II, and

WHEREAS, in order to cover the salary and benefits associated with the Fire Prevention Technician II, the Fire Prevention Bureau's Expenditure budget will be increased by \$56,014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Fiscal Year 04-05 Fire Prevention Bureau Expenditure Budget be amended increasing it by \$56,014.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-385**

**A RESOLUTION AWARDING THE BID FOR COMMUNICATION  
EQUIPMENT (GROUP 1) TO DELTA WIRELESS IN THE AMOUNT OF  
\$8,072.52.**

WHEREAS, the City of Modesto applied for a grant for communications equipment as part of the National Assistance to Firefighter's Grant Program in the category of Fire Operations and Firefighter Safety Program in March of 2003, and

WHEREAS, the grant was awarded and accepted by Council on November 13, 2003, and

WHEREAS, the granted dollar amount is \$256,000.00, and

WHEREAS, the City of Modesto's Federal cost-share of 30% is \$77,000.00, and

WHEREAS, on June 8, 2004, Council approved by Resolution the formal solicitation of bids for communication equipment, and

WHEREAS, bids were solicited from nineteen (19) companies, and the bid solicitation was posted on the City's web site, and

WHEREAS, eleven (11) companies responded with valid bids, one (1) of which resides within the City of Modesto, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping as provided by the specification, and

WHEREAS, Delta Wireless submitted the lowest responsive and responsible bid for Group 1 of the Communication Equipment bid in the amount of \$8,072.52.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards to Delta Wireless the bid for Group 1 of the communication equipment bid, in the amount of \$8,072.52.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

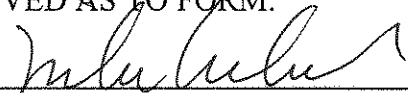
NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-386**

**A RESOLUTION AWARDING THE BID FOR COMMUNICATION  
EQUIPMENT (GROUPS 2, 3 AND 4) TO SAT RADIO COMMUNICATIONS IN  
THE AMOUNT OF \$41,075.55.**

WHEREAS, the City of Modesto applied for a grant for communications equipment as part of the National Assistance to Firefighter's Grant Program in the category of Fire Operations and Firefighter Safety Program in March of 2003, and

WHEREAS, the grant was awarded and accepted by Council on November 13, 2003, and

WHEREAS, the granted dollar amount is \$256,000.00, and

WHEREAS, the City of Modesto's Federal cost-share of 30% is \$77,000.00, and

WHEREAS, on June 8, 2004, Council approved by Resolution the formal solicitation of bids for communication equipment, and

WHEREAS, bids were solicited from nineteen (19) companies and the bid solicitation was posted on the City's web site, and

WHEREAS, eleven (11) companies responded with valid bids, one (1) of which resides within the City of Modesto, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping as provided by the specification, and

WHEREAS, SAT Radio Communications submitted the lowest responsive and responsible bid for Groups 2, 3 and 4 of the Communication Equipment bid in the amount of \$41,075.55.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards to SAT Radio Communications the bid for Groups 2, 3 and 4 of the communication equipment bid, in the amount of \$41,075.55.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-387**

**A RESOLUTION AWARDING THE BID FOR COMMUNICATION  
EQUIPMENT (GROUP 5) TO NORTHRUP GRUMAN IN THE AMOUNT OF  
\$113,957.94.**

WHEREAS, the City of Modesto applied for a grant for communications equipment as part of the National Assistance to Firefighter's Grant Program in the category of Fire Operations and Firefighter Safety Program in March of 2003, and

WHEREAS, the grant was awarded and accepted by Council on November 13, 2003, and

WHEREAS, the granted dollar amount is \$256,000.00, and

WHEREAS, the City of Modesto's Federal cost-share of 30% is \$77,000.00, and

WHEREAS, on June 8, 2004, Council approved by Resolution the formal solicitation of bids for communication equipment, and

WHEREAS, bids were solicited from nineteen (19) companies, and the bid solicitation was posted on the City's web site, and

WHEREAS, eleven (11) companies responded with valid bids, one (1) of which resides within the City of Modesto, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping as provided by the specification, and

WHEREAS, Northrup Gruman submitted the lowest responsive and responsible bid for Group 5 of the Communication Equipment bid in the amount of \$113,957.94.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards to Northrup Gruman the bid for Group 5 of the communication equipment bid, in the amount of \$113,957.94.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-388**

**A RESOLUTION AWARDING THE BID FOR COMMUNICATION  
EQUIPMENT (GROUP 6) TO PORTABLE COMPUTERS IN THE AMOUNT OF  
\$28,967.63.**

WHEREAS, the City of Modesto applied for a grant for communications equipment as part of the National Assistance to Firefighter's Grant Program in the category of Fire Operations and Firefighter Safety Program in March of 2003, and

WHEREAS, the grant was awarded and accepted by Council on November 13, 2003, and

WHEREAS, the granted dollar amount is \$256,000.00, and

WHEREAS, the City of Modesto's Federal cost-share of 30% is \$77,000.00, and

WHEREAS, on June 8, 2004, Council approved by Resolution the formal solicitation of bids for communication equipment, and

WHEREAS, bids were solicited from nineteen (19) companies, and the bid solicitation was posted on the City's web site, and

WHEREAS, eleven (11) companies responded with valid bids, one (1) of which resides within the City of Modesto, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping as provided by the specification, and

WHEREAS, Portable Computers submitted the lowest responsive and responsible bid for Group 6 of the Communication Equipment bid in the amount of \$28,967.63.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards to Portable Computers the bid for Group 6 of the communication equipment bid, in the amount of \$28,967.63.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-389**

**A RESOLUTION APPROVING THE REORGANIZATION OF THE  
INFORMATION TECHNOLOGY DEPARTMENT.**

WHEREAS, many of the current Information Technology (IT) job classifications were written 10 – 15 years ago, and

WHEREAS, many of the existing job classifications do not meet the current technology needs of the IT Department and the City of Modesto, and

WHEREAS, in order to provide for appropriate staffing and allocation of resources, the IT Department has rewritten all of its technical job classifications to be consistent with the current IT market, and

WHEREAS, the Finance Committee met on the 15<sup>th</sup> of July 2004 and supported the recommended reorganization plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reorganization of the Information Technology Department.

BE IT FURTHER RESOLVED that the Council hereby approves the elimination of one Senior Administrative Office Assistant position in the Information Technology Department, already reflected in the Proposed Budget.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-390**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

1. Systems Technician I
2. Systems Technician II
3. Systems Technician III
4. Software Analyst I
5. Software Analyst II
6. Software Analyst III
7. Software Analyst IV

8. Systems Engineer I
9. Systems Engineer II
10. Systems Engineer III
11. Information Technology Unit Manager
12. Deputy Chief Information Officer

The job specifications for these classifications are being created as a result of the reorganization of the Information Technology Department. The specifications for the classifications of Systems Technician I/I/III, Software Analyst I/II/III, Software Analyst IV, Systems Engineer I/II, Systems Engineer III, Information Technology Unit Manager and Deputy Chief Information Officer, as shown on the attached **Exhibit "A,"** which are hereby made a part of this resolution by reference, are hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

1. Programmer Analyst I
2. Programmer Analyst II
3. Systems Technician
4. Systems Analyst
5. Systems Engineer
6. Information Services Manager
7. Geographic Information Systems Analyst
8. Geographic Information Systems Coordinator
9. Development and Operations Coordinator

Said classifications are being deleted, as they are no longer needed.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after August 4, 2004.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## DEPUTY CHIEF INFORMATION OFFICER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To assist the Chief Information Officer in the planning, directing, supervising, and coordinating of departmental functions and technology activities; to assist in the monitoring and preparation of operating and capital project budgets, and the management of personnel assigned to the department; and to provide highly complex staff assistance to the Chief Information Officer.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Chief Information Officer.

Exercises direct supervision over professional, technical and support staff.

Exercises responsible charge of assigned information technology functions, including cross-departmental project management leadership for enterprise-wide technology projects.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of departmental strategic planning; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital project budgets and control of expenditures.

Essential Functions: (Continued)

Assist subordinate supervisors in the operations and maintenance of City technology, particularly networks, servers, and business applications; establish long-range plans and goals, including strategic planning for technology systems, applications, and infrastructure.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Chief Information Officer; prepare and present staff reports and other necessary correspondence.

Oversee system performance measurements; assure that Service Level Agreements are met.

Work across department lines to ensure that the long-term technology infrastructure needs of the city are met.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates, follow up on problems and complaints; and participates in the selection of staff.

Monitor franchise and service agreements related to cable and other technology infrastructure contracts.

Prepare a variety of correspondence including general and special reports.

Serve as Chief Information Officer, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and technology administration.

Principles of budget preparation and expenditure control.

Principles and practices of public administration labor relations and public personnel management.

QUALIFICATIONS: (Continued)

Knowledge of, Continued:

Principles and practices of implementing and sustaining a complex and technologically up-to-date IT infrastructure.

Technical, legal, and financial issues related to the acquisition of software, hardware, and their associated maintenance contracts.

Strategic and tactical technology planning processes.

Project Management methodologies.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed technology projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

Prepare and administer the departmental operating and capital project budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop and implement appropriate recommendations.

QUALIFICATIONS: (Continued)

Ability to:

Establish and maintain cooperative relationships with those contacted during the course of work.

Perform a variety of technical research and prepare reports of findings.

Effectively manage a diverse staff of professional and technical staff, vendors, consultants, and contractors.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Seven years of increasingly responsible professional IT experience in an internal technology support environment, including at least five years in a supervisory or managerial capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in information technology, computer science, systems engineering, business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

ADDITIONAL REQUIREMENTS:

Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department Information Systems prior to appointment.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.

## INFORMATION TECHNOLOGY UNIT MANAGER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To assist the Chief Information Officer in providing direction and supervision, budget development and monitoring, program definition, goals development, vision setting and overall program/project oversight and to provide complex staff assistance.

The Information Technology Unit Manager may be assigned as Division Manager overseeing applications or networks.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Chief Information Officer.

Exercises direct supervision over professional, technical and other assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Manage, direct and organize division activities in the area of network or application operations; assign work activities and projects; monitor work flow; review and evaluate work products, methods and procedures.

Prepare, appear and make presentations before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and technology fund and control of expenditures and administer the division budget.

Oversee third-party systems, vendor sales, and support; the installation, configuration, and cutover phases of a project; professional IT consulting/development projects; and complex business changes in the implementation of emerging Information technologies.

Assure a strong commitment to customer service; monitor and manage departmental customer satisfaction.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Continued

Participate in recommending the appointment of personnel; provide or coordinate staff training; establish performance expectations and evaluate performance of subordinate personnel; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Review system design and end-user documentation prepared by other project staff.

Carry out resource allocation planning and management to effectively assign work tasks to team members.

Develop and manage project cost controls.

Coordinate Division activities with those of other departments and outside agencies and organizations; provide staff assistance to higher-level management; prepare and present staff reports and other necessary correspondence.

Manage the development, production, and execution of training programs.

Develop policies and procedures and assure they are carried out.

Prepare a variety of correspondence including general and special reports.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of

Information Technology best practices.

Governmental business practices.

Business issues related to implementing systems.

Principles of organization, administration, supervision, training and personnel management.

Principles of budget preparation and expenditure control.

Knowledge of - Continued

Disciplined project management methodologies, including project estimating, planning, executing, and examining business or functional issues including technical, operational, and management concerns.

Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.

Procedures, materials, equipment and methods used in all areas of Information Technology activities.

Skill in:

Organizing work and the work of others, establishing procedures, and assuring deadlines are met.

Preparing project proposals including the submission of budget items.

Managing project costs, resources, and schedules.

Carrying out and/or managing application design, development, deployment, support and maintenance.

Demonstrating leadership skills.

Transferring knowledge, providing direction and supervising, evaluating and training staff.

Designing and developing presentations, documentation, and training.

Preparing workflow and process diagrams, and cost/benefit analysis.

Assisting with the preparation of divisional operating and technology fund budgets and control budget expenditures.

Effectively representing the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Preparing clear and concise written reports and developing appropriate recommendations.

Skill in: Continued

Effectively managing assigned areas of the divisional program.

Establishing and maintaining cooperative relationships with those contacted during the course of work.

Effectively overseeing multiple projects simultaneously.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Training:

Equivalent to a Bachelor's degree from an accredited four-year college or university in a computer related field, business information systems, public/business administration, or closely related field.

Experience:

Equivalent to five years increasingly responsible experience carrying out and managing complex system development and/or network projects at the departmental and/or enterprise level. Three years of the required experience must have been in a lead or supervisory capacity.

OR

Two years of experience performing duties as a Software Analyst IV or Systems Engineer III with the City of Modesto. At least one year of the required experience must include working in a lead or supervisory capacity.

Other Requirement:

Specified positions must possess a valid California Driver's License and have a satisfactory driving record; and be able to pass a POST level background investigation.

WORKING CONDITIONS

Environmental Conditions:

Assignments may include office and field environment; positions may require working evenings including weekend and holiday assignments, and traveling to and from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending, and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

CITY OF MODESTO  
No. 5115  
No. 5114  
No. 5113

August 2004

## SOFTWARE ANALYST I/II/III

Class specifications are intended to present a descriptive list of the range of duties performed by employees in these classes. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Under general supervision, to perform a variety of application support, business process analysis and maintenance duties including specialties such as Software, GIS, Web and Database Administration (Level III only), to perform application support and maintenance, business/workflow analysis, application integration, report development, testing processes, and project management. Duties may vary depending on the division to which assigned. The Software Analyst classification is focused on the maintenance of existing third-party applications and/or the development of new service delivery programs and solutions.

### DISTINGUISHING CHARACTERISTICS

The Software Analyst I is the entry-level class in the series. Initially under supervision, incumbents will participate in application support and maintenance, business/workflow analysis, application integration, report development, testing processes, and some project management responsibility. Positions in this class are flexibly staffed. Incumbents normally advance to the II level after a minimum of 12 months, receive satisfactory performance evaluations, and meet the requirements of Software Analyst II.

The Software Analyst II is the fully qualified, professional-level class in this series. Competent to perform a variety of analytical duties, positions are characterized by the presence of general guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Positions at this level require experience in carrying out application development efforts and project management support at the departmental or enterprise level, have knowledge of industry standard structured life cycle development methodologies, and will focus on the maintenance of existing applications and/or the development of new service delivery programs and solutions as related to the area of assignment. Positions in this class are flexibly staffed. Incumbents may only advance to the III level after a minimum of 18 months as a Software Analyst II, receive a satisfactory performance evaluation, meet the requirements of the Software Analyst III, pass the appropriate proficiency standard rating, and with approval of Chief Information Officer.

The Software Analyst III is the highly qualified, senior-level class in this series. Competent to perform a wide range of analytical duties, this position requires an in depth knowledge of one or more of the specialty areas. Positions in this class work under general guidelines but typically receive minimal supervision when working on assignments. Assignments require experience in carrying out and managing application development projects with a focus on business process re-engineering at the departmental and/or enterprise level. Development experience includes playing a key role with all or parts of application development projects ranging from user analysis, development, coding, implementation, project management, and support. Analyst experience includes a focus on the analysis of business and service delivery requirements and developing well-defined procedures and programs to deliver practical solutions. Judgment and initiative in making decisions in accordance with established guidelines is required.

#### SUPERVISION EXERCISED AND RECEIVED

The Software Analyst I & II positions do not provide supervision to other staff while the Software Analyst III may be required to supervise the Software Analyst I/II positions and/or other assigned staff. The Software Analyst I/II/III receives supervision from the higher-level Software Analyst IV, or as necessary from higher level management.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS: - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

##### Level I:

- Assist with development projects on one or more of the following platforms: Unix, Microsoft, client-server or web-enabled.
- Communicate and work with third-party vendor sales, applications, and support.
- Workflow/business process analysis.
- Application development, integration, and monitoring.
- Customer presentation, demonstrations, and feedback sessions.
- Testing: alpha, beta, and production testing.
- Application support, maintenance and ongoing enhancements.
- Assist with customer training.
- Prepare procedures, handbooks, manuals, and other training related materials.
- Assists with the development of project proposals and yearly work program/budget.

Essential Functions - Continued

Level II: (In addition to Level I)

- Develop functional/technical specifications identifying the features and functions of an application.
- Installation, configuration, and go-live testing.
- Perform quality assurance over interim work products and deliverables.
- Assume project management responsibilities including the development of project plans and timelines.

Level III: (In addition to Level I & II)

- Assume a key role in the execution of professional IT consulting/development projects.
- Recommend technology solutions to clients.
- Monitor and manage departmental customer satisfaction.
- Perform first-line issue resolution.

When Assigned to Software Analyst Track:

Level I & II:

- Become subject matter experts on supported third-party applications.
- Keep current and maintain a strong knowledge of emerging programming languages and procedures.
- Prepare workflow and process diagrams, which may include cost/benefit analysis.
- Code difficult program instructions.
- Perform software maintenance.
- Design and develop complex datamarts and data warehouses.
- Analyze procedures and data, and develop logical conclusions.

Level III: (In addition to Level I & II)

- Carry out business process analysis/re-engineering, using a formal and proven methodology.
- Participate in the execution of the full life cycle of development projects on one or more of the following platforms: client-server or web-enabled.
- Facilitate customer sessions to define their application requirements.
- Participate in the following: database design, development specifications, application prototyping, development, and production testing

**When Assigned to GIS Analyst Track:**

**Level I:**

- Coordinate with department/division "clients" to address and respond to their mapping, tabular, analytical, reporting needs. Develop, implement, and maintain applications and products that meet the client's needs.
- Prepare working and presentation maps, reports, and documents on an as needed basis.

**When Assigned to GIS Analyst Track:**

**Level I (continued):**

- Assist with the maintenance of the City GIS Intra/Internet site and related data.
- Assist with data development and maintenance as needed.

**Level II: (In addition to Level I)**

- Responsible for development and maintenance of GIS applications.
- Assist with the conceptual design of databases.
- Assist with the maintenance of database indices and relational items.
- Document the design, implementation, maintenance, and use of GIS applications.
- Develop and carry out training for GIS applications.
- Make recommendations for current and future technology infusions and upgrades by keeping abreast of current technology through seminars, journals, professional associations, peers, and other means.
- Define, develop, and carry out analytical tasks and reports requested by customers ranging from simple query to complex overlay and what if modeling scenarios.

**Level III: (In addition to Level I & II)**

- Work on the conceptual and physical design of databases, including establishing and maintaining table relationships, indices, and the rules governing data input into database applications.
- Design, develop, and maintain interfaces between GIS and existing City applications and databases such as: Permits Tracking, Fire Records Management, Police Records Management, Utilities work order processing, Business licenses, Financials, and other systems.
- Develop and maintain SQL query statements and database connectivity.
- Design, modify, and/or develop programming for the customization of end user applications or automation of processes.

Essential Functions - Continued

**When Assigned to Web Analyst Track:**

Level I:

- Assist with security related issues pertaining to web site operation.
- Provide technical assistance with Internet e-mail related issues.
- Assist in design and implementation of web-based applications.
- Coordinate with the City Manager's Office to ensure conformance with design standards.
- Prepare and review statistical information pertaining to web sites.

**When Assigned to Web Analyst Track (continued):**

Level II: (In addition to Level I)

- Coordinate with staff and the public for implementation of new features.
- Provide for the implementation and operation of web sites and servers.

Level III: (In addition to Level I & II)

- Manage domain names and associated records.
- Provide representation on web related issues.

**When Assigned to Database Administrator Track (Level III only):**

Level III:

- Provide technical guidance and assistance to other staff associated with software development.
- Solve complex software programming and system design problems.
- Recommend measures to optimize system performance and response.
- Code highly technical programs for data processing applications.
- Perform database analysis and data modeling for logical and physical database design.
- Manage and/or participate in database development.
- Manage and/or participate in database integration between existing and new applications.
- Manage and/or participate in database sizing and tuning.
- Manage and/or participate in database development, rollout, and support of production databases.
- Design and develop systems documentation and training.
- Design and implement unattended backup and disaster recovery procedures.

Marginal Functions:

Perform related duties as necessary.

QUALIFICATIONS:

Knowledge of:

Software Analyst I:

- One or more specialty areas including Software, GIS, Web and Database.
- Off the shelf vendor support.
- Emerging technologies, including web-enabled (e-government) service delivery applications.
- Desktop applications.
- Developing end-user documentation and training materials.
- The principles of database design, development, and administration.
- Quality assurance programs.
- The principles of Internet (Web) design, development, and implementation.
- Computer programming languages such as: Visual Basic, HTML, Java, C++.
- PC skills to include proficiency in Microsoft Office suite software.
- **Software** - Unix Systems, Client-Server, Web-enabled and related software used by the City of Modesto.
- **Software** - Basic scripting languages in a UNIX and/or Microsoft environment.
- **Software** – Database reporting tools used by the City of Modesto.
- **Software** - Fundamental knowledge of software design, relational and distributed database technology.
- **Software** - Commonly used programming languages, databases, and operating systems on multiple hardware platforms.
- **Software** - Concept of data warehouse design and data mining.
- **GIS** –Geographic Information Systems, Global Positioning Systems, automated mapping systems, and database management systems and how they are utilized in the working environment.
- **GIS** –Remote sensing including its capabilities, applications, and use in conjunction with GIS.
- **GIS** –Principles of cartography including methods, techniques, and symbolism.
- **GIS** – Common GIS data formats.
- **WEB** - Computers, information systems, and Internet technologies.

Software Analyst I - Continued

- **WEB** - HTML and Active Server Page programming.
- **WEB** - Database connectivity; with City of Modesto standard databases.
- **WEB** – City of Modesto standard web server.
- **WEB** - Basic security considerations pertaining to web-based applications.
- **WEB** - DNS and basic connectivity issues related to web sites and their presentation.
- **WEB** - Basic e-mail as related to web site operation.

Software Analyst II: (In addition to the requirements of the I, and depending on assignment):

- Information Technology best practices.
- Formal application development methodologies.
- Project management methodologies.
- **GIS** – Global and local coordinate systems and datum.
- **GIS** – National standards as related to data formats and metadata.

Software Analyst III: (In addition to the requirements of the II, and depending on assignment):

- Industry best practices used in the development arena.
- Various application development tools supported by the City of Modesto.
- **Software** - Software design, relational and distributed database technology.
- **Software** - Data warehouse design and data mining practices.
- **GIS** – Applied usage of Geographic Information Systems as it relates to all sectors of local government.
- **GIS** – Customization capabilities of GIS software.
- **DBA** - Database backup and recovery.
- **DBA** – Methods for installing and upgrading database servers.
- **DBA** – Methods of database maintenance and system security.
- **DBA** – Database performance and optimization methods.

Skill In:

Software Analyst I:

- Carrying out multiple tasks simultaneously.
- Analyzing and develop logical solutions and alternatives to problems.
- Prioritizing tasks based on importance to the business.
- Working under the direction of immediate supervisor.

Software Analyst I - Continued

- Maintaining effective working relationships with those contacted in the course of work.
- Assisting with business process analysis, application design, development, system installation/deployment, support, and maintenance.
- Demonstrating, developing, and supporting a strong commitment to customer service.
- Communicating clearly and concisely, both verbally and in writing.
- Analyzing procedures and instructions, and developing logical conclusions.
- Organizing work, establish procedures, and meeting deadlines.
- Keeping current and maintain a strong knowledge of emerging programming languages and procedures.
- Working with, control, and maintain sensitive, confidential information according to legal standards and/or City regulations as required.
- Working in a team environment or independently, as conditions require.
- Working with word processing, database, spreadsheet, and presentation software.
- Under supervision, assist in developing project proposals including the submission of budget items, project plans, and reasonable timelines.
- Providing excellent customer service and support.
- Preparing required documentation, including both program-level and user-level documentation.
- Understanding and working with relational databases.
- Conducting computer system and procedure analyses, making sound recommendations for new applications.
- **Software** - Coding programs for data processing applications.
- **Software** - Remaining current in software development techniques, technology, and tools.
- **GIS** - Understanding GIS Concepts.
- **GIS** - Working with GIS software products.
- **GIS** - Understanding and working with object oriented GIS software.
- **GIS** - Working proficiently using Computer Aided Drafting (CAD) software.
- **GIS** - Working with and interpreting maps including a variety of engineering, planning, assessment, and other maps.
- **WEB** - Troubleshooting basic connectivity issues related to web site operation.
- **WEB** - Implementing basic security procedures.
- **WEB** - Working with standard design and layout tools.
- **WEB** - Assisting in design and implementation of web-based applications.

Software Analyst II: (In addition to Level I)

- Working within project costs, resources, and schedules.
- Developing project plans and reasonable timelines.
- Carrying out and/or manage 3<sup>rd</sup> Party application systems, application design, development, deployment, support, and maintenance.
- Recommending measures to optimize systems performance and response.
- **GIS** - Working with database tools used by the City of Modesto.
- **GIS** – Integrating data from multiple sources with City of Modesto GIS data.
- **GIS** - Solving complex analytical problems utilizing GIS software.
- **WEB** - Deploying, configuring, and maintaining web servers and related software.

Software Analyst III: (In addition to Level I & II)

- Providing leadership skills.
- Transferring knowledge and providing direction to other staff.

Software Analyst III (continued):

- Designing and developing presentations, documentation, and training oriented toward customers.
- Preparing workflow and process diagrams, and cost/benefit analysis.
- Analyzing procedures and data, and developing logical conclusions.
- Assuming overall responsibility for a variety of projects.
- **GIS** - Communicating the use of GIS tools to end-users.
- **GIS** - Understanding and integrating GPS technology within the GIS environment.
- **GIS** – Constructing SQL calls to external or relational tables.
- **GIS** – Designing the physical layout of databases and the physical relationships of databases and/or database tables.
- **GIS** – Customizing the GIS graphical user interface (GUI) according to customer needs.
- **WEB** – Managing DNS and domain related issues.
- **DBA** - Providing technical guidance and assistance to other staff associated with application development.
- **DBA** - Solving complex application programming and systems design problems.
- **DBA** - Recommending measures to optimize systems performance and response.
- **DBA** – Coding highly technical programs for data processing applications.
- **DBA** - Troubleshooting database problems.

Ability to (all levels):

- Reason logically, draw valid conclusions, and make appropriate recommendations.
- Occasionally perform medium lifting up to 50 lbs.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Software Analyst I**

Training:

Equivalent to an Associate of Arts / Science Degree from an accredited college with major coursework in business information systems, computer science, geography, or a closely related field.

Experience:

One year of full-time business application support and/or development experience in any of the three defined assignments: Software Analyst, GIS Analyst, or Web Analyst.

**Software Analyst II**

Training:

Equivalent to an Associate of Arts / Science Degree from an accredited college with major coursework in business information systems, computer science, geography, or a closely related field.

Experience:

Equivalent to two (2) years of full-time, increasingly responsible applications development / maintenance experience in any of the three defined assignments: Software Analyst, GIS Analyst, or Web Analyst.

OR

One year of experience performing duties as a Software Analyst I with the City of Modesto.

**Software Analyst III**

**Training:**

Equivalent to a Baccalaureate of Arts / Science Degree from an accredited college or university with major coursework in computer science, geography, or a closely related field.

**Experience:**

Equivalent to four (4) years of full-time relevant, increasingly responsible experience performing a variety of duties in any of the four defined assignments: Software Analyst, Database Administrator, GIS Analyst, or Web Analyst.

OR

Two (2) years of experience performing duties as a Software Analyst II with the City of Modesto.

**Other Requirement:**

Specified positions must possess a valid California Driver's License and have a satisfactory driving record; and be able to pass a POST level background investigation.

**WORKING CONDITIONS**

**Environmental Conditions:**

Assignments may include office and field environment; positions may require working evenings including weekend and holiday assignments, and traveling to and from site to site.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard; requires medium lifting (up to 50 lbs.).

## SOFTWARE ANALYST IV

Class specifications are intended to present a descriptive list of the range of duties performed by employees in these classes. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To act as a principal technical consultant in an assigned specialty area. Incumbents are expected to perform a variety of application analysis and development duties with a high degree of complexity encompassing one or more of the following specialty areas:

- Business workflow analysis.
- Applications development, maintenance, and administration.
- Database administration.
- Geographic information analysis.
- Web application development.

### DISTINGUISHING CHARACTERISTICS

As a Software Analyst IV, responsibilities include: assuming total responsibility for the technical aspects of application development projects, knowledge and experience with structured life cycle development methodologies, analysis of business and service delivery requirements and developing well-defined procedures and programs to deliver practical system solutions. The Software Analyst IV is considered the master level, capable of solving the most complex issues in at least one of the specialty areas.

### SUPERVISION EXERCISED AND RECEIVED

Receives general direction from higher-level management.

May exercise direct supervision over professional, technical and other assigned staff.

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS:

Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

- Communicate and work with third-party applications, vendor sales, and support.
- Manage the installation, configuration, and cutover phases of a project.
- Assume a key role in the execution of professional IT consulting/development projects.
- Recommend technology solutions to clients.
- Manage complex business changes in the implementation of emerging Information Technologies.
- Provide subject matter knowledge to the project team or the customer.
- Demonstrate a strong commitment to customer service.
- Make recommendations for current and future technology infusions and upgrades.
- Use formal project management techniques and tools to effectively manage the scope of work, project costs, technical resources, and maintain schedule integrity; utilize project management software; make modifications and adjustments as required to ensure projects are delivered on time and within budget.
- Carry out business process analysis/re-engineering, using a formal and proven methodology.
- Develop systems on platforms such as Unix, Microsoft, client-server or web-enabled.
- Provide technical guidance and assistance to other staff associated with Information Systems.
- Recommend measures to optimize system performance and response.

Depending on assignment, duties may also include:

- **Software** – Act as subject matter experts on supported third-party applications.
- **Software** - Facilitate customer sessions to define their application requirements.
- **Software** - Assume overall accountability when managing and/or participating in the execution of the full life cycle of development projects on one or more of the following platforms: client-server or web-enabled, whether City staff or Vendors retained by the City carry out the work.
- **DBA** - Database analysis, data modeling, and CASE tools for logical and physical database design.
- **DBA** - Manage and/or participate in database development, integration between legacy and new applications, sizing and tuning, rollout, and support of production databases.
- **GIS** - Develop, implement, and maintain applications/products that meet the clients' needs.

Essential Functions - Continued

- **GIS** – Manage the physical design of databases, the rules governing data input, and assure that database indices, relational items, and connectivity are properly and continuously maintained.
- **GIS** - Design, develop, and maintain GIS interfaces with City computer applications/databases used by the City of Modesto.
- **GIS** - Extends “out of the box” capability of GIS software used by the City of Modesto.
- **WEB** - Work with security related issues pertaining to web site operation.
- **WEB** - Work on the design and implementation of web-based applications.
- **WEB** - Provide for the implementation and operation of web sites and servers.
- **WEB** - Provide representation on web-related issues.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

- Technology advancements and how they can/will be applied within our current/future business models.
- Information Technology best practices.
- Quality assurance programs.
- Principles of budget preparation and expenditure control.
- Methods and techniques of statistical analysis, effective technical report preparation and presentation.
- Database design, development, and administration.
- Software development tools used by the City of Modesto.
- Database reporting tools used by the City of Modesto.
- In-depth knowledge of software design, relational and distributed database technology.

When assigned to the following:

- **Software** – Scripting languages in a Unix and/or Microsoft environment.
- **Software** - Commonly used programming languages, databases, and operating system on multiple hardware platforms.
- **Software** - Data warehouse design and data mining practices.
- **DBA** - Database backup and recovery.
- **DBA** - Installing and upgrading database server.
- **DBA** - Enrolling users and maintaining system security.
- **DBA** - Monitoring and optimizing the performance of the database.

Knowledge of - Continued

- **DBA** - Modifying the database structure as requested by vendor or users.
- **DBA** - Troubleshooting database problems.
- **DBA** - Creating database storage structures and objects.
- **GIS** – The applied use of Geographic Information Systems, Global Positioning Systems, automated mapping systems, and database management systems as it relates to local government.
- **GIS** – One or more major GIS software packages.
- **GIS** - Remote sensing including its capabilities, applications, and use in conjunction with GIS.
- **GIS** - The principles of cartography including methods, techniques, and symbolism.
- **WEB** - Internet design, development, and implementation.
- **WEB** - HTML and Active Server Page programming.
- **WEB** - Microsoft Windows server software and web servers.
- **WEB** - Security considerations pertaining to web based applications.
- **WEB** - DNS and connectivity issues related to web sites and their operation.

Skill In:

- Applying knowledge of industry best practices, business process reengineering or change management methods.
  - Making sound judgments and decisions in accordance with established guidelines.
  - Working effectively with development and customer teams.
  - Analyzing and developing logical solutions and alternatives to problems.
  - Creating and implementing project plans.
  - Supervising and guiding technical staff in the performance of their routine tasks.
  - Keeping current with emerging technological advancements and evaluating their benefits as applied to the City's current/future business processes.
- When assigned to the following:
- **Software** - Fluently programming in one or more standard programming languages.
  - **Software** - Coding difficult program instructions.
  - **Software** – Preparing complex workflow and process diagrams, and cost/benefit analysis.
  - **DBA** – Managing multiple relational databases including the physical design, maintenance, and fine-tuning.
  - **DBA** – Developing reporting capabilities.
  - **DBA** – Managing database backup and recovery.

Skill In - Continued

- **DBA** – Setting up user and database security.
- **DBA** – Upgrading or installing different database versions.
- **DBA** – Monitoring disk space and assigning disk space capacity.
- **DBA** – Interpreting trace and lock files for problem solving.
- **DBA** – Developing and reviewing standards to assure application design and code are produced with proper integrity, security, and performance.
- **GIS** - Comprehending and implementing GIS projects and programs.
- **GIS** - Expertly developing, working with, managing, and applying the use of GIS desktop, workstation, and web enabled products.
- **GIS** - Extending the capabilities of GIS products.
- **GIS** - Working with relational database tools such as Access, Oracle, or SQL Server.
- **GIS** - Integrating GIS with other data management applications.
- **GIS** - Integrating GPS technology within the GIS environment.
- **GIS** - Solving complex analytical problems utilizing GIS software.
- **GIS** - Designing the physical layout of databases and the physical relationships of separate but related databases.
- **WEB** – Managing web related tools and services.
- **WEB** - Integrating web technologies into desktop tools aimed at simplifying access to data and the research of information.
- **WEB** - Troubleshooting connectivity issues related to web site operation.
- **WEB** – Designing, testing, implementing, and maintaining e-government services including security procedures.
- **WEB** - Deploying, configuring, and maintaining web servers and related software.
- **WEB** – Managing DNS and domain related issues.

Ability To:

- Work independently.
- Communicate clearly and concisely, both verbally and in writing.
- Effectively manage multiple projects simultaneously.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

EXPERIENCE AND TRAINING GUIDELINES - Continued

Training:

Equivalent to a Bachelor's degree from an accredited four-year college or university in business information systems, geography, public/business administration, other computer related or closely related field.

Experience:

Equivalent to four (4) years increasingly responsible experience carrying out and managing complex application development projects with a focus on business process re-engineering at the departmental and/or enterprise level, database development, maintenance, analysis, and tuning, the development and applied use of Geographic Information Systems (GIS), or web application development and interface skills. Two (2) years of the required experience must have been in a lead capacity.

OR

Two (2) years of experience performing duties as a Software Analyst III with the City of Modesto.

Other Requirement:

Specified positions must possess a valid California Driver's License and have a satisfactory driving record; and be able to pass a POST level background investigation.

WORKING CONDITIONS

Environmental Conditions:

Assignments may include office and field environment; positions may require working evenings including weekend and holiday assignments, and traveling to and from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending, and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

## SYSTEMS ENGINEER I/II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in these classes. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Under general direction, to manage a variety of network operating systems or Local Area Networks/Wide Area Networks (LAN/WANs), telecommunications networks and/or mid to high-end computing platforms, Network Operating Systems (NOS). To analyze, plan, install, evaluate, monitor, test and maintain systems and application software in a personal computer, client/server, or web environment, and to perform other related duties as required. Assignments may specialize in the area of LAN/WAN systems, operating systems and/or telecommunications. Duties assigned to this class may include supervision of staff and/or include technical assignments.

### DISTINGUISHING CHARACTERISTICS

The Systems Engineer I is the fully qualified, professional-level class in this series. Competent to perform a variety of analytical/ technical duties, positions are characterized by the presence of general guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Incumbents work with complex and highly sophisticated network operating systems, LAN/WAN projects, or telecommunications projects. Positions in this class are flexibly staffed. Incumbents may only advance to the II level after a minimum of 24 months as a System Engineer I, receive a satisfactory performance evaluation, meet the requirements of the System Engineer II, pass the appropriate proficiency standard rating, and with approval of Chief Information Officer.

The Systems Engineer II is the highly qualified, senior-level class in this series. Competent to perform a variety of analytical/technical duties, this position requires an in-depth knowledge of one or more of the specialty areas. Incumbents manage complex and highly sophisticated network operating systems or LAN/WAN projects. Generally, duties assigned at the Systems Engineer II level may include supervision of staff and technical functions performed with greater independence than the Systems Engineer I classification.

### SUPERVISION RECEIVED AND EXERCISED

The Systems Engineer I does not supervise other staff while the Systems Engineer II may be required to supervise the Systems Engineer I and/or other assigned staff. The Systems Engineer I/II generally receives supervision from the higher-level Systems Engineer III, or as necessary from higher-level management staff.

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS:

Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

##### System Engineer I:

- Establish standards and procedures relating to operating systems software products.
- May assign work or provide technical guidance.
- Utilize current and emerging networking, communications or operating system technologies.
- Monitor the overall performance of operating systems and communications software, and resolve problems as required.
- May perform project cost estimates and ensure billing procedures and costs are correct, timely, and within applicable accounting principles.
- Assist with the development and implementation of project plans.
- Keep current and aware of "state-of-the-art" information technology.

##### System Engineer II: (In addition to System Engineer I)

- Plan, install, evaluate, monitor and maintain client/server operating system releases, enhancements and/or application software.
- Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in the selection of staff.
- Oversee, direct and train staff in the analysis, monitoring and fine-tuning of the City's standard operating systems.
- Work with department management, internal customers, and information technology professionals to define automated solutions to short and long-range computer services and integrated network needs.
- Manage and support client/server application software products installed throughout the City including connectivity with multiple remote sites.
- Perform data base administration on the City's client/server environment.

System Engineer II: (In addition to System Engineer I)-continued

- Work with the organizational team and vendor personnel as appropriate regarding changes to existing systems or to resolve technical questions related to the operating system.
- Establish operational and technical procedures for the utilization of client/server systems and program products.
- Monitor system performance and evaluate system status and resources; develop and write scripts to address the monitoring and evaluation as needed.
- Coordinate hardware installation, configuration and maintenance.
- Prepare and develop budget recommendations related to client/server environment.
- Provide resolution to systems errors and/or problems as they occur; apply "fixes" to system and program product software.

**When Assigned to LAN/WAN System Engineering:**

System Engineer I:

- Assist with the execution of Networking/Communications (LAN/WAN) projects.
- Assist in developing LAN/WAN system requirement definitions.
- Assist in developing functional and technical specifications.
- Participate in LAN/WAN installations and configurations.
- Assist with the quality execution of LAN/WAN task(s), within budget while maintaining the schedule integrity.
- Assist in resolving LAN connectivity issues and maintaining LAN and Internet connections.
- Assist with LAN/WAN upgrades, support, and maintenance.
- Stay current on emerging networking/communications technologies.

System Engineer II: (In addition to System Engineer I)

- Carry out the execution of Networking/Communications (LAN/WAN) projects that are larger in scale and complexity.
- Develop LAN/WAN system requirement definitions and functional and technical specifications.
- Assume responsibility for the quality execution of LAN/WAN task(s), within budget while maintaining the schedule integrity.
- Resolve LAN connectivity issues and maintain LAN and Internet connections.
- Play a key role with LAN/WAN upgrades, support, and maintenance.
- Develop cost data used for LAN/WAN project cost estimating.
- Carry out LAN/WAN system analysis, at the workgroup, department or enterprise level.
- Design and engineering of LAN/WAN installations.

**When Assigned to Network Operating Systems Engineering:**

**System Engineer I:**

- Assist with the installation and maintenance of Network Operating Systems (NOS) on small to medium projects.
- Participate in reviewing new network operating systems and enhancements.
- Resolve basic system errors and problems as they occur applying the appropriate fixes to those problems.
- Interface with IT staff and users as appropriate, regarding changes to existing system software or to resolve technical problems regarding changes to existing system software.
- Assist in documenting standards and procedures developed by senior staff as it relates to network operating systems.
- Monitor the overall performance of the network operating systems and communications software, and resolve problems as required.

**System Engineer II: (In addition to System Engineer I)**

- Carry out the installation and maintenance of Network Operating Systems (NOS) projects that are larger in scale and complexity.
- Participate in reviewing and evaluating new network operating systems and enhancements and assist in planning their installation.
- Resolve system errors and problems as they occur applying the appropriate fixes to those problems.

**When Assigned to Telecommunications:**

**System Engineer I:**

- Assist with the installation, repair, and maintenance of telecommunications systems and equipment.
- Evaluate projects and estimate costs as required.
- Assist with the design of telephone systems and networks to meet departmental needs, including telephone system and network traffic analysis.
- Assure that Federal Communication Commission requirements are met in regard to licensing, operating, and the technical performance of wireless communications equipment.
- Prepare Federal Communication Commission license applications.

**System Engineer II: (In addition to System Engineer I)**

- Perform the installation, repair, and maintenance of telecommunications systems that are larger in scale and complexity.
- Participate in reviewing and evaluating new telecommunications systems and enhancements and assist in planning their installation.

System Engineer II: (In addition to System Engineer I) – Continued

- Prepare and review detailed final construction plans for specifications, special conditions, agreements, and instructions.
- Design and prepare plans and develop specifications for current and future city communications systems and networks, including computer-assisted communications systems and control systems.
- Advise, assist, and instruct operating and maintenance personnel in matters pertaining to all phases of wireless and wired communications systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Systems Engineer I:

- E-mail systems.
- Systems Engineering problem solving and solution development.
- Trends in data processing and/or telecommunications.
- Data base administration concepts.
- Analyzing problems and developing solutions.
- **LAN/WAN** - TCP/IP communications protocols.
- **LAN/WAN** - Ethernet.
- **LAN/WAN** - Installation of routers, hubs and switches.
- **LAN/WAN** - Implementation and administration of network operating systems such as Novell NetWare and Microsoft NT.
- **LAN/WAN** - Network remote dial-up technologies.
- **LAN/WAN** - Local Area Networks, configuration, and topologies with departmental LANs.
- **LAN/WAN** - LAN/WAN maintenance and support.
- **LAN/WAN** - Web Internet/Intranet servers.
- **LAN/WAN** - Wide Area Networks, configuration, and topologies.
- **NOS** - Researching and evaluating micro and mini hardware, operating systems, and communications software.
- **NOS** - Analyzing Systems Engineering problems and developing solutions.
- **NOS** - Network Printing and Print Servers.
- **Telecom** - Data communications and telecommunications.
- **Telecom** – Telephone network design, configuration, and provisioning.
- **Telecom** – PBX and carrier network technologies and protocols.

Systems Engineer I: - Continued

- **Telecom** – Radio frequency coordination and Federal Communication Commission licensing process.
- **Telecom** – Voice messaging systems.
- **Telecom** - Local and long distance carrier providers and rates.
- **Telecom** – Automated Call Distribution (ACD) systems.
- **Telecom** – Interactive Voice Response (IVR) systems.

Systems Engineer II: (In addition to System Engineer I)

- Principles, practices and techniques of information systems management including applications, design, hardware and software options for administrative and business-oriented application.
- Methods and techniques for project management including identifying project task, scope, team building, resource allocation, scheduling/timelines, and communicating the deliverables/results.
- Principles and practices of supervision including selection, training, evaluation and discipline.
- Accounting principles, statistical methods, business administration principles, organization techniques and management procedures.
- Computer operating environments such as UNIX, Microsoft Windows, and Novell.
- Telecommunications including WAN and LAN topologies, hubs, routers, bridges, modems and high-speed data communication technology.
- Network protocols including TCP/IP and IPX/SPX.
- Principles and techniques of budgeting.
- Systems documentation procedures and methods; systems and network security administration.
- **LAN/WAN** – Industry standard LAN/WAN, communications protocols, and network speeds.
- **LAN/WAN** - Installation and configuration of routers, hubs, bridges, switch routers, and switches.
- **LAN/WAN** - Designing and deploying network architecture and infrastructure.
- **LAN/WAN** - Network remote dial-up technologies.
- **LAN/WAN** - Local Area Networks, configuration, and topologies; Departmental LANs, WANs, and multiple server LANs; LAN/WAN implementation, maintenance, and support.
- **LAN/WAN** - Internet/Intranet/Extranet web servers.
- **LAN/WAN** - Cross platform communications.
- **NOS** - Research and evaluation methods associated with micro and mini hardware, operating systems, and communications software.
- **NOS** - Analyzing Systems Engineering problems and developing solutions.
- **NOS** - Network Printing such as HP JetDirect and UNIX print daemons.

Systems Engineer II: (In addition to System Engineer I) - Continued

- **NOS** - Capabilities and limitations of current micro and mini hardware, operating systems, and communications software.
- **NOS** - Implementing and managing network operating systems such as Novell NetWare and Microsoft, and administering network security.
- **Telecom** - Advanced knowledge of data communications and telecommunications and integration with networks.
- **Telecom** – Advanced knowledge of telephone network design, configuration, and provisioning.
- **Telecom** - Extensive knowledge of PBX and carrier network access technologies and protocols.
- **Telecom** – Principles and practices of current trends in telecommunications engineering: wireless and wired networks, systems, and equipment.
- **Telecom** – Modern methods and techniques used in the design and construction of a wide variety of telecommunications engineering projects.
- **Telecom** – Applicable laws and regulatory codes relevant to design and construction.
- **Telecom** – Advanced knowledge of voice messaging systems.
- **Telecom** - Extensive knowledge of local and long distance carrier providers and rates.
- **Telecom** – In-depth knowledge of Automated Call Distribution (ACD) systems.
- **Telecom** – Advanced knowledge of Interactive Voice Response (IVR) systems.

Skill in:

Systems Engineer I:

- Organizing work, establishing priorities, and meeting deadlines.
- Following verbal and written instructions.
- Communicating effectively in English, both verbally and in writing.
- Understanding technical materials.
- Developing and maintaining effective working relationships.
- Working well in a team environment as well as independently.
- Working under the direction of immediate supervisor.
- Prioritizing tasks based on importance to the business.
- Carrying out multiple tasks simultaneously.
- Assisting in the preparation of written reports.
- Working with, control, and maintain sensitive, confidential information according to legal standards and/or City regulations as required.
- Preparing required documentation, including both program-level and user-level documentation.
- Analyzing and develop logical solutions and alternatives to problems.

Systems Engineer I (continued):

- Remaining current in software development techniques, technology, and tools.
- **LAN/WAN** – Carrying out networking/communications projects.
- **NOS** – Assisting in installing, implementing, and monitoring non-application software associated with Intel based and mid-range system computer operating systems including but not limited to Unix, Novell, or Microsoft Windows platforms.
- **Telecom** - Preparing and evaluating engineering plans, programs and specifications for communications systems
- **Telecom** - Investigating and analyzing communications operations and problems, and effect improved procedures and solutions
- **Telecom** – Designing, planning, installing, and maintaining complex wireless and wired networks, and related electronics equipment.

Systems Engineer II: (In addition to System Engineer I)

- Preparing and presenting oral and written reports effectively.
- Analyzing complex procedures and instructions, and developing logical conclusions.
- Carrying out positive time management strategy.
- Carrying out networking/communication/telecommunications project life cycle from analysis through deployment.
- Solving complex hardware and software problems given minimal diagnosis.
- Providing excellent customer service and technical direction to other staff members.
- Understanding technical material and presenting it in a clear and concise manner to technical and non-technical persons.
- Supervising, training, planning, organizing and reviewing the work of assigned staff.
- **LAN/WAN** - Installing, configuring, and supporting complex router configurations, switches and switch routers including VLANs, Internet/Intranet routers in complex TCP/IP configurations, and securing communication solutions.
- **LAN/WAN** - Installing, configuring, and supporting security devices such as firewalls and intrusion detection systems (IDS).
- **NOS** - Installing, configuring, and supporting network operating systems such as Microsoft Windows, Unix, and Novell NetWare.
- **NOS** - Installing, configuring, and supporting Web servers: Internet, Intranet, and Extranet.
- **NOS** - Installing, configuring, and supporting UNIX servers, network routers, hubs, bridges, and coordinating network security.
- **Telecom** - Conducting and obtaining approval of feasibility study reports for telecommunications projects

Ability to (all levels):

- Reason logically, draw valid conclusions, and make appropriate recommendations.
- Perform medium-heavy lifting up to 75 lbs.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**System Engineer I**

Training:

Equivalent to an Associate of Arts / Science degree from an accredited college with major coursework in a computer related field including: computers, business information systems or other related field, or a professionally recognized computer systems engineering certification acceptable to the City of Modesto.

Experience:

Equivalent to two (2) years of relevant experience performing network administration, installing, implementing and monitoring communications or operating system software and hardware, and/or maintaining high-end computing platforms.

**System Engineer II**

Training:

Equivalent to a Bachelor's degree from an accredited four-year college or university in a computer related field including: business information systems, public/business administration, or other related field. A professionally recognized systems engineering certification recognized by the City of Modesto may substitute for up to one year of the required education.

Experience:

Equivalent to three (3) years of relevant, increasingly responsible experience performing network administration, installing, implementing and monitoring communications or operating system software and hardware, and/or maintaining high-end computing platforms; automated business systems, including technological project management, and the implementation of new systems using client server technology.

OR

Experience - Continued

Two (2) years of experience performing duties as a Systems Engineer I with the City of Modesto.

Other Requirement:

Specified positions must possess a valid California Driver's License and have a satisfactory driving record; and pass a POST level background investigation.

WORKING CONDITIONS

Environmental Conditions:

Assignments may include office and field environment; positions may require working evenings including weekend and holiday assignments, and traveling to and from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending, and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard; requires medium-heavy lifting up to 75 lbs.

## SYSTEMS ENGINEER III

Class specifications are intended to present a descriptive list of the range of duties performed by employees in these classes. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

The Systems Engineer III job class is assigned as a Principal Technical Consultant. As a Principal Technical Consultant, incumbents will perform a variety of systems engineering duties of a high degree of complexity including the overall management of complex networks encompassing one or more of the following specialty areas:

- Local/Wide Area Networks.
- Network Operating Systems.
- Telecommunications Networks.

The successful candidate is expected to have familiarity with all of these areas, but must have a depth of experience and expertise in at least one of them.

### DISTINGUISHING CHARACTERISTICS

As Principal Technical Consultant, experience in carrying out development projects include: assuming total responsibility for the technical aspects of networks and/or network operating systems, knowledge and experience with structured life cycle development methodologies, analysis of business and service delivery requirements and developing well-defined procedures and programs to deliver practical system solutions. The Principal Technical Consultant is considered the master level, capable of solving the most complex issues in at least one of the specialty areas.

The System Engineer III will manage multiple programs and projects performing complex professional level work requiring strong technical and managerial skills, intense concentration, and attention to detail.

### SUPERVISION EXERCISED AND RECEIVED

The Systems Engineer III supervises assigned Information Technology staff. The Systems Engineer III receives general direction from higher-level management.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS:

Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

- Use formal project management techniques and tools to effectively manage the scope of work, project costs, technical resources, and maintain schedule integrity; utilize project management software; make modifications and adjustments as required to ensure projects are delivered on time and within budget.
- Communicate and work with third-party applications, vendor sales, and support.
- Assume a key role in the execution of professional IT consulting/development projects.
- Manage complex business changes in the implementation of emerging Information Technologies.
- Interface with appropriate department staff in defining systems standards and operating procedures.
- Utilize current and emerging networking, communications or operating system technologies.
- Prepare activity reports, progress reports, and correspondence.
- Review, interpret, and maintain contracts.
- Oversee the work of contractors involved with City IT projects and systems.
- Actively monitor systems performance, architecture changes, and be aware of future upgrades in an effort to proactively avert potential problems.
- Carry out business process analysis/re-engineering, using a formal and proven methodology.
- May supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in the selection of staff.
- Review system design and end-user documentation prepared by other project staff.
- Work with the Information Technology Management Team and customers to resolve staffing and business issues.
- Manage the development, production, and execution of training programs.
- May develop policies and procedures and assure they are carried out.
- Provide technical guidance and assistance to other staff associated with Information Systems.
- Monitor the overall performance of systems and resolve complex problems as required.

Essential Functions - Continued

- **LAN/WAN** - Manage the execution of Networking/Communications (LAN/WAN) projects of scale and complexity.
- **LAN/WAN** - Perform LAN/WAN system requirement definitions, identifying end user operational or customer service delivery needs.
- **LAN/WAN** - Assume management responsibility for LAN/WAN projects including: scope of work, quality execution of task(s), resources, staff allocation, planning and management, cost controls, and maintenance of schedule integrity.
- **LAN/WAN** - Manage and/or participate in network/communications upgrades, support, and maintenance.
- **LAN/WAN** - Perform LAN/WAN systems analysis at the workgroup, department or enterprise level.
- **LAN/WAN** - Perform LAN/WAN design and engineering.
- **LAN/WAN** - Develop functional and technical specifications used to procure and deploy networking/communications systems.
- **NOS** - Manage the installation and maintenance of Network Operating System (NOS) projects of scale and complexity.
- **NOS** - Play a key role in reviewing and evaluating new operating systems and enhancements, developing purchasing guidelines, and aid in planning their installation.
- **NOS** - Work with IT staff, vendors, and system users regarding changes, anticipated upgrades, and future enhancements to existing systems software or to resolve / prevent technical problems.
- **NOS** - Establish standards and procedures relating to operating system software products.
- **Telecom** - Manage the installation, repair, and maintenance of telecommunications system projects that are larger in scale and complexity.
- **Telecom** - Manage the review and evaluation of new telecommunications systems and enhancements, develop purchasing guidelines, and aid in planning their installation.
- **Telecom** - Develop the vision, promote the visionary plan, and manage the procurement for the current and future city communications systems and networks, including computer-assisted communications systems and control systems.
- **Telecom** - Establish standards and procedures relating to telecommunications systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

- Quality assurance programs.
- Technology advancements and how they can/will be applied within the City's current/future business models.
- Information Technology best practices.
- Advanced knowledge of voice over IP.
- Principles of budget preparation and expenditure control.
- Methods and techniques of statistical analysis, effective technical report preparation and presentation.
- Government business practices.
- Quality assurance programs.
- Business issues related to implementing systems.
- Disciplined project management methodologies, including project estimating, planning, executing, and examining business or functional issues including technical, operational, and management concerns.
- Principles and practices of organization, administration, staff development and supervision, training, and personnel management.
- Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.
- Systems Engineering problem solving and solution development.
- **LAN/WAN** - Industry standard networking and communications protocols, standard speeds, network design, management and security.
- **LAN/WAN** - Installation, configuration, and troubleshooting of routers, hubs, and bridges.
- **LAN/WAN** - Implementing and managing network operating systems such as Novell and NT.
- **LAN/WAN** - Wide Area Networks, backbone network; Asynchronous Transfer Mode (ATM) and Regional Networks.
- **LAN/WAN** - Internetworking and voice; bridges and routers; design considerations building versus campus voice systems.
- **NOS** - Research and evaluation methods associated with micro and mini hardware, operating systems, and communications software.
- **NOS** - Analyzing systems engineering problems and developing solutions.
- **NOS** - Capabilities and limitations of current micro and mini hardware, operating systems, and communications software.
- **NOS** - Implementing and managing network operating systems such as Novell NetWare and Microsoft, and administering network security.
- **Telecom** - Extensive knowledge of data communications and telecommunications with an emphasis in networking.
- **Telecom** - In-depth understanding of network design, configuration, and provisioning.

- **Telecom** - Extensive knowledge of key network access technologies and protocols.

Knowledge of - Continued

- **Telecom** - Telecommunications equipment including PBX and Centrex phone systems.
- **Telecom** - Router installation and the best use of high speed (e.g. T1) information lines.

Skill in:

- Remaining current with the latest trends and developments in the computer, networking, and telecommunications industry.
- Applying knowledge of industry best practices, business process re-engineering or change management methods.
- Making sound judgment and decisions in accordance with established guidelines.
- Creating and implementing project plans.
- Organizing work and the work of others, establishing procedures, and assuring deadlines are met.
- Preparing project proposals including the submission of budget items.
- Managing project costs, resources, and schedules.
- Transferring knowledge, providing direction, and supervising, evaluating, and training staff.
- Designing and developing presentations, documentation, and training.
- Preparing workflow and process diagrams, and cost/benefit analysis.
- Organizing and managing small and large teams for the purpose of carrying out projects and programs.
- Analyzing procedures and data, and developing logical conclusions.
- Managing the technical aspects of the assigned systems, from analysis through deployment and management.
- Providing technical direction and supervising both technical and non-technical staff.
- **LAN/WAN** - Carrying out and/or managing networks design, development, deployment, support, and maintenance.
- **LAN/WAN** – Planning system architecture, installing, configuring, and supporting network operating systems such as Microsoft Windows, Unix, and Novell NetWare.
- **LAN/WAN** – Planning system architecture, installing, configuring, and supporting complex router configurations, hubs, and bridges, switches and switch routers including VLANs, Internet/Intranet routers in complex TCP/IP configurations and VPN solutions.
- **LAN/WAN** – Managing network security including, planning system architecture, installing, configuring, and supporting security devices such as firewalls and intrusion detection systems (IDS).
- **LAN/WAN** - Supporting desktop Operating Systems.

Skill in – Continued

- **NOS** - Managing the planning, installation, evaluation, monitoring, and implementation of non-application software associated with computer operating systems such as Unix or Microsoft Windows.
- **NOS** – Planning system architecture and managing the installation, configuration, and support of Web servers such as Internet, Intranet, and Extranet.
- **NOS** – Planning system architecture and managing the installation, configuration, and support of IBM AIX and UNIX servers, network routers, hubs, bridges, and coordinate network security.
- **Telecom** – Planning system architecture and installing, configuring, and supporting telecommunications systems and associated infrastructure.

Ability to:

- Communicate clearly and concisely, both verbally and in writing.
- Work independently.
- Effectively manage multiple projects simultaneously.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Training:

Equivalent to a Bachelor's degree from an accredited four-year college or university in a computer related field, business information systems, public/business administration, or closely related field.

Experience:

Equivalent to four (4) years of experience performing network administration, installing, implementing and monitoring communications or operating system software and hardware, and/or maintaining high-end computing platforms; automated business systems, including technological project management, and the implementation of new systems using web-based and client server technology.

OR

Two (2) years of experience performing duties as a Systems Engineer II with the City of Modesto.

Other Requirement:

Specified positions must possess a valid California Driver's License and have a satisfactory driving record; and be able to pass a POST level background investigation.

WORKING CONDITIONS

Environmental Conditions:

Assignments may include office and field environment; positions may require working evenings including weekend and holiday assignments, and traveling to and from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending, and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

## SYSTEMS TECHNICIAN I/II/III

Class specifications are intended to present a descriptive list of the range of duties performed by employees in these classes. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Under general supervision, to troubleshoot, analyze and resolve system/application related support requests including specialties such as Help Desk, GIS and Web, to assist and train users in personal computer hardware/software, and to provide systems support and to perform related work as assigned.

### DISTINGUISHING CHARACTERISTICS

Systems Technician I is the entry-level class of the series. Initially under close supervision, incumbents learn and perform a variety of functions related to support of PC's, Networks, Operating Systems, and Applications. Positions in this class are flexibly staffed. Incumbents normally advance to the II level after a minimum of 12 months, receive satisfactory performance evaluations, and meet the requirements of Systems Technician II.

Systems Technician II is the qualified, assistant level class of this series. Competent to perform a variety of technical duties including the maintenance and support of PC's, mapping, or web development, positions are characterized by the presence of general guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Positions at this level are accomplished users of common desktop and/or specialized applications software related to the area of assignment. Specific assignments include Systems, Help Desk Specialist, GIS and Web. Duties may vary depending on the division to which assigned. Incumbents may only advance to the III level after a minimum of 12 months as Systems Technician II, have passed the appropriate proficiency standard rating, and with approval of CIO.

Systems Technician III is the highly qualified and diversified, associate level class of this series, competent to perform a multitude of support, maintenance, and applications development duties. Incumbents work with minimal supervision, and generally receive only occasional assistance. Employees in the associate level class may review, direct, supervise, and train the lower level Systems Technician I and II.

### SUPERVISION EXERCISED AND RECEIVED

The Systems Technician I & II positions do not provide supervision to other staff while the Systems Technician III may be required to supervise the Systems Technician I/II positions and/or other assigned staff. The Systems Technician I/II/III will generally receive supervision from higher level management.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

- Assist users to locate and resolve personal computer problems which may include: communications, hardware and software, GIS map/data maintenance, or web page maintenance.
- Work as part of a team that troubleshoots, analyzes, and resolves system/application related support requests.
- Keep users informed as to project or program status.
- Assist in providing citywide training for hardware, software, and/or applications for potential purchases or modifying City standards.
- Provide quality assurance oversight on various projects, programs, applications or data sets.
- Assist in securing information required for completion of projects.
- Assist in testing and maintaining microcomputer hardware and software.
- Perform research and development tasks in personal computers and related software.
- Provide quality assurance oversight on various projects, programs, applications or data sets.
- Provide technical support to customers of standard city hardware, software, and applications.
- Assist with the development of procedures.
- May research and evaluate new advances in Information Technology; perform project management duties (Level III).

### When assigned to Systems:

- Specialize in the testing, configuration, and installation of new microcomputer hardware and software.
- Assist in researching and evaluating new advances in personal computer hardware and software.
- Troubleshoot and perform minor maintenance on personal computer hardware, software, printer, and network related computer problems.
- Assist in the installation, troubleshooting, maintenance, and administration of Local Area Networks (LAN).
-

**When assigned to Systems - Continued**

- Install personal computer cables, personal computer devices, and hardware upgrades as assigned.
- Assist in maintaining inventory of existing and newly acquired computer hardware and software.
- Assist with the maintenance of cable route maps, software license, and version tracking.

**When assigned to Help Desk:**

- Diagnose and resolve problems in the area of hardware, applications, and operating systems on Windows based PC's over the phone.
- Assist callers with connectivity problems in a network environment.
- Dispatch service to provide advanced levels of support when necessary.
- Keep users informed as to the status of open calls, per established procedures.
- Detail users problems into problem management software.
- Routinely check the Help Desk after-hours voice mail and respond to requests or service appropriately.
- Assist in maintaining inventory of existing and newly acquired computer hardware and software.
- Assist in maintaining cable route maps, software license, and version tracking.

**When assigned to GIS:**

- Assist with the development, maintenance, and quality assurance of geographic and tabular GIS data sets.
- Maintain meta-data for GIS data sets.
- Carry out data entry needs, including geocoding services.
- Prepare working and presentation maps, reports, and documents on an as needed basis.
- Maintain printing and plotting devices.
- Collect data from field inventory and process internally.

**When Assigned to WEB:**

- Develop and maintain web pages for city-hosted sites.
- Prepare graphics and banner ads.
- Ensure Meta tag and all text data is complete.
- Assist in securing information required for completion of projects.
- Monitor site for broken links, correcting as necessary.
- Provide technical support to customers for Internet related tasks.

Marginal functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Systems Technician I:

- Depending on assignment, special interest areas including Systems, Help Desk, GIS, and Web.
- Personal Computer and Server systems.
- Principles and techniques of computer systems analysis and programming.
- Local Area Network (LAN) and Wide Area Network (WAN) concepts, terminology, and operating systems.
- Principles of Information Systems security.
- Computers, information systems, and Internet technologies and applicable to specialized concepts related to Systems, Help Desk, GIS, or Web.
- **GIS** – Concepts of GIS, Global Positioning Systems, automated mapping systems and database management.

Systems Technician II: (In addition to the requirements of the I, and dependent upon assignment):

- **GIS** - Principles of cartography including methods, techniques, and symbolism.
- **GIS** - Principles of Geographic Information Systems, Global Positioning Systems, automated mapping systems, and database management systems and their applied use in the working environment.
- **WEB** – HTML programming.
- **WEB** - Database connectivity; computer graphic applications and appropriate use of graphics formats.

Systems Technician III: (In addition to the requirements of the I & II, and dependent upon assignment):

- Database concepts.
- Experience with database systems used by the City of Modesto.
- **GIS** - Working knowledge of Geographic Information Systems, Global Positioning Systems, automated mapping systems, and database management systems and their applied use in the working environment.
- **WEB** - HTML and Active Server Page programming.

Skill in:

Systems Technician I

- Developing and maintaining effective working relationships with those contacted in the course of the work.
- Operating a personal computer and related office equipment.
- Maintaining attention to detail despite interruptions.
- Communicating effectively, both verbally and in writing.

Systems Technician I (continued)

- Following oral and written instructions.
- Documenting and maintaining accurate computer records and procedures.
- Working with, controlling, and maintaining sensitive, confidential information according to legal standards and/or city regulations as required.
- Organizing and managing assigned tasks and requests from customers.
- Working in a team environment or independently, as conditions require.
- Providing excellent customer service and support.
- Working with word processing, database, spreadsheet, and presentation software.
- **Help Desk, Systems** - Troubleshooting, configuring, performing simple repairs, and installing microcomputer and server hardware/software.
- **Help Desk** - Assisting in maintaining inventory of existing and newly acquired computer hardware and software.
- **GIS** - Working with GIS software.
- **GIS** - Working with AutoCAD or other Computer Aided Drawing software tools.
- **GIS** - Producing maps that satisfy departmental requests.
- **WEB** - Creating/editing/updating web pages in standard formats.
- **WEB** - Preparing graphics and banner ads.
- **WEB** - Working with standard design and layout tools.
- **WEB** - Assisting in the design and implementation of web-based applications.

Systems Technician II: (In addition to the requirements of the I, and dependent upon assignment):

- Using initiative and sound, independent judgment within established guidelines.
- Prioritizing work and coordinating several activities simultaneously.
- Work with vendors to resolve application issues.
- **Help Desk** - Assisting in maintaining cable route maps, software license, and version tracking.
- **GIS** - Working with and interpreting maps including a variety of engineering, planning, assessment, and other maps.

Systems Technician III: (In addition to the requirements of the I & II, and dependent upon assignment):

- Leading team to implement and deliver a consistent, reliable, accurate, and cost effective support environment.
- Directing, scheduling, training, and coaching the work of subordinate personnel.
- Independently addressing complex business and technical issues.
- Working with minimal supervision.
- **GIS** - Work with specialized GIS software.
- **GIS** - Modify GIS procedures utilizing macro tools.
- **WEB** - Creating, modifying, and maintaining advanced scripted and dynamic web pages and applications using standard formats.
- **WEB** - Creating database connectivity components.

Ability to: (All levels)

- Learn specialized functions, procedures and technical support tasks related to the assignment.
- Communicate tactfully and effectively with the public and remain calm and follow designated protocols in stressful and/or emergency situations.
- Read and understand job-related technical manuals.
- Coordinate with customers to ensure successful completion of projects.
- Assist in obtaining information required for completion of projects.
- Perform occasional medium lifting up to 50 lbs.

Systems Technician I:

- **GIS** - Perform technical research in Geographic Information Systems.
- **WEB** - Review and place appropriate META information into HTML documents.

Systems Technician II: (In addition to the requirements of the I, and dependent upon assignment):

- **GIS** - Review and maintain meta-data.
- **WEB** - Verify link integrity within website.

Systems Technician III: (In addition to the requirements of the I & II, and dependent upon assignment):

- Analyze and solve problems in a timely manner.
- Possess strong analytical skills and be able to think fast when problems occur.
- **Help Desk, Systems** - Troubleshoot, configure, perform simple and complex repairs, and install microcomputer and server hardware/software.
- **GIS** - Work with GPS hardware/software tools for data collection.
- **WEB** - Assist with server configuration and maintenance tasks.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge, skills and ability is qualifying. A typical way to obtain the knowledge, skills and ability would be:

**Systems Technician I:**

Training:

Equivalent to graduation from high school or GED supplemented by specialized training in subjects directly related to the specific assignment.

Experience:

Six months of responsible paid or unpaid computer related work experience including proficiency in related technology used by the City of Modesto in one of the assigned areas.

**Systems Technician II:**

Training:

Equivalent to graduation from high school or GED supplemented by specialized training in subjects directly related to the specific assignment.

Experience:

Eighteen months of responsible paid full time computer related work experience including proficiency in related technology used by the City of Modesto in one of the assigned areas.

or

Twelve months of experience performing duties as a Systems Technician I with the City of Modesto.

**Systems Technician III:**

Training:

Equivalent to 15 semester units of college coursework in a related area of study or possession of a recognized computer certification accepted by the Information Technology Department may be substituted for up to six months of the required experience.

Experience:

Two years, six months of responsible paid computer related work experience including proficiency in related technology used by the City of Modesto in one of the assigned areas.

or

Twelve months of experience performing duties as a Systems Technician II with the City of Modesto.

OTHER REQUIREMENTS:

Specified positions must possess a valid California driver's license and have a satisfactory driving record; and be able to pass a POST level background investigation.

WORKING CONDITIONS

Environmental Conditions:

Assignments may include office and field environment; positions may require working evenings including weekend and holiday assignments, and traveling to and from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard; requires occasional medium lifting (up to 50 lbs.).

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-391**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 1, 2003 AND RESCINDING RESOLUTION NO. 2002-307 AND 2003-81A AND AMENDING EXHIBIT A OF RESOLUTION NO. 2003-331 EFFECTIVE JUNE 30, 2003," TO ESTABLISH A SALARY RANGE FOR DEPUTY CHIEF INFORMATION OFFICER AT RANGE 2452, EFFECTIVE AUGUST 4, 2004.**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to amend Resolution No. 2003-330,  
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

**SECTION 1. AMENDMENT TO RESOLUTION NO. 2003-330.**

Exhibit "A" entitled "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective July 1, 2003," attached to Resolution No. 2003-330, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective August 4, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the Salary Range for Deputy Chief Information Officer at range 2452.

**SECTION 2. EFFECTIVE DATE.** This resolution shall become effective on and after August 4, 2004.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
MICHAEL D. MILICH, City Attorney

**Exhibit "A"**

**CITY OF MODESTO  
CLASS RANGE TABLE  
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective August 4, 2004**

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RANGE	TITLE
2419	
2420	Executive Secretary – Personnel and City Manager's Offices
2421	
2422	
2423	
2424	
2425	Executive Assistant Paralegal
2426	
2427	
2428	Accountant II- in City Clerk's office
2429	
2430	
2431	Equal Opportunity Officer
2432	
2433	
2434	
2435	
2436	
2437	Deputy City Attorney I

RANGE      TITLE

---

2438

2439

2440

2441 Assistant Personnel Director  
Deputy City Attorney II

2442

2443 Senior Deputy City Attorney I

2444 Risk Manager

2445

2446

2447

2448

2449 Senior Deputy City Attorney II

2450

2451

**2452 Deputy Chief Information Officer**  
Deputy Director – Cultural and Enterprise Services  
Deputy Director – Engineering & Transportation  
Deputy Director of Finance  
Deputy Director – Operations and Maintenance  
Deputy Director – Recreation and Neighborhoods

2453

2454

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RANGE	TITLE
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2455	Assistant City Attorney
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-392**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD SYSTEMS TECHNICIAN I, SYSTEMS TECHNICIAN II, SYSTEMS TECHNICIAN III, SOFTWARE ANALYST I, SOFTWARE ANALYST II, SOFTWARE ANALYST III, SOFTWARE ANALYST IV, SYSTEMS ENGINEER I, SYSTEMS ENGINEER II, SYSTEMS ENGINEER III, AND INFORMATION TECHNOLOGY UNIT MANAGER.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding). Resolution No. 2003-178 effective April 8, 2003, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective August 4, 2004", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary ranges for the following "exempt" classifications.

<u>CLASSIFICATION</u>	<u>SALARY RANGE</u>
1. Systems Technician I	418
2. Systems Technician II	422
3. Systems Technician III	426
<u>CLASSIFICATION</u>	<u>SALARY RANGE</u>
4. Software Analyst I	430
5. Software Analyst II	434

6. Software Analyst III	438
7. Systems Engineer I	434
8. Systems Engineer II	438
9. Systems Engineer III	442
10. Software Analyst IV	442
11. Information Technology Unit Manager	446

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 4, 2004.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Exhibit "A"

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective August 4, 2004

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RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Administrative Technician (Confidential)
414	
415	Senior Administrative Office Assistant (Confidential) Secretary
416	
417	
418	Legal Secretary <b>Systems Technician I</b>
419	Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary (Represented) Legal Services Technician
421	

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RANGE	TITLE
422	Office Supervisor <b>Systems Technician II</b> Utility Dispatch Supervisor Workers' Compensation Claims Examiner I
423	Custodian Supervisor
424	Assistant Planner Buyer Police Facilities Coordinator
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager <b>Systems Technician III</b>
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	Accountant II (Represented) Senior Buyer
429	
430	Associate Planner Community Services Supervisor Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst <b>Software Analyst I</b>
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist

RANGE      TITLE

---

- 432    Communications Specialist  
      Customer Services Supervisor  
      Neighborhood Preservation Supervisor  
      Operations and Maintenance Supervisor  
      Recreation Supervisor II  
      Senior Accountant  
      Water Quality Control Maintenance Supervisor  
      Water Quality Control Operations Supervisor
- 433    Organizational Development Specialist
- 434    Assistant Civil Engineer  
      Assistant Traffic Engineer  
      Budget Analyst II  
      Electrical Supervisor  
      Events Supervisor II  
      Laboratory & Environmental Monitoring Supervisor  
      Operations Supervisor  
      Regulatory Compliance Supervisor  
      SCADA Supervisor  
      Senior Housing Rehabilitation Specialist  
      Senior Programmer Analyst  
      **Software Analyst II**  
      **Systems Engineer I**
- 435    Business Analyst  
      Cultural Services Manager  
      Integrated Waste Specialist  
      Management Analyst  
      Senior Personnel Analyst
- 436    Senior Planner
- 437
- 438    Budget Officer  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      **Software Analyst III**

RANGE      TITLE

---

**Systems Engineer II**  
Transportation Planner

439    Administrative Services Officer  
Community Facilities Districts Administrative Officer

440    Associate Civil Engineer  
Associate Traffic Engineer

441    Airport Manager  
Building Maintenance Superintendent  
Fire Marshal  
Fleet Manager  
Parks Operations Superintendent  
Parks Planning and Development Manager  
Recreation Superintendent  
Solid Waste Program Manager  
Streets Engineer  
Transit Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent

442    Customer Services Division Manager  
Manager of Budget and Financial Analysis  
**Software Analyst IV**  
Supervising Building Inspector  
Supervising Construction Inspector  
**Systems Engineer III**

443

444    Deputy Chief Building Official  
Principal Planner

445    Accounting Division Manager

446    **Information Technology Unit Manager**  
Water Quality Control Superintendent

447    Business Development Division Manager  
Chief Building Official

RANGE      TITLE

---

Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer

448

449

450

451

452

453

455

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-393**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN  
FOR THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the following classifications:

1. Assistant Planner/Associate Planner
2. Assistant Risk Manager
3. Building Inspector I/II
4. Civil Engineering Technician I/II
5. Construction Inspector
6. Police Officer Trainee/Police Officer
7. Senior Building Inspector

8. Senior Construction Inspector
9. Supervising Construction Inspector
10. Tree Trimmer

Said classifications are being amended to revise the job specifications to more accurately reflect the requirements of the various job classifications.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after August 4, 2004.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Exhibit "A-1"**

CITY OF MODESTO  
No. 3269

JULY 2004

**~~LABORATORY & ENVIRONMENTAL MONITORING SUPERVISOR~~  
ENVIRONMENTAL LABORATORY SUPERVISOR**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Supervise, plan, direct, and coordinate the City's Laboratory and Environmental Monitoring Program; to maintain the consistency of the City's Laboratory with State and Federal mandates, approved standards and quality assurance and control; to maintain consistency of the City's Environmental Monitoring Programs with State and Federal mandates; to direct the implementation of required sampling and testing; to direct the activities related to state, Federal and local regulations regarding stormwater and pretreatment sampling and industrial discharges into the City's wastewater collection system; to direct the monitoring, sampling and record keeping associated with compliance with discharge permits; to coordinate the development and maintenance of a data base regarding Industrial, pretreatment, Water Quality processes, and Water Quality discharge samples and testing, to correspond and write required documents associated with NPDES discharges; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is a single-position, first level supervisor for the Laboratory and Environmental Monitoring functions. The incumbent is responsible for supervising two major programs consisting of laboratory and environmental sampling and directing the work of assigned staff, ensuring that programs are fully implemented and meet required standards and mandates. In addition, the incumbent has a major role in the development of new markets for water quality and water laboratory services.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Deputy Director of Operations and Maintenance.  
Exercises direct and indirect supervision over technical and clerical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Direct Industrial and Water Quality Control sampling and testing programs and Laboratory Staff in accordance with regulations, standards, and quality assurance requirements.

Coordinate the development of additional markets for existing laboratory services and recommend further testing apparatus be purchased based on cost effectiveness or the need to meet regulatory requirements.

Coordinate with the Water Operations Division and other existing clients to make sure client monitoring, sampling, testing, and reporting needs are being met.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in selection of staff.

Develop programs for the implementation and enforcement of environmental monitoring, sampling, and testing programs to protect collection systems, groundwater, and receiving waters in compliance with state, Federal, and local laws, regulations, and ordinances.

Develop and manage program budgets, projecting future goals and projects based on program elements, ensuring proper spending and funding.

Oversee development and submission of required reports for State and Federal regulatory agencies associated with programs.

Monitor and coordinates contractual service activities related to effluent discharges, storm water, and pretreatment sampling activities.

Meet with industry managers to discuss current pretreatment sampling needs and pending regulations.

Oversee the development and maintenance of a laboratory, water quality control, and environmental monitoring database.

ESSENTIAL FUNCTIONS, Continued:

Meet with various City and community groups and committees to discuss Laboratory and environmental monitoring issues.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Program planning and development methods and techniques.

Principles of budget development and fiscal monitoring.

Principles and practices of water/wastewater laboratory operations, maintenance, and services.

Approved related laboratory practices and procedures.

Pertinent State and Federal environmental health and water quality regulations.

Policies and procedures of the City's Environmental Compliance Program.

State and Federal laws, rules, regulations, requirements and procedures governing laboratory and pretreatment, and storm water sampling including applicable local ordinances, and related State and Federal regulations.

Chemical, biological, physical, and environmental sciences.

Principles and practices of environmental sampling and testing, methods and practices.

Functions and operations of State and Federal environmental health and regulatory agencies.

QUALIFICATIONS:

Knowledge of, Continued:

Sampling techniques and standards.

Computers and software used in laboratory testing and environmental sampling.

Principles of personnel administration including staff supervision, training, and performance evaluation.

Ability to:

Plan, develop, organize, implement, and direct laboratory and environmental monitoring programs and staff to ensure compliance with State and Federal programs.

Supervise and train staff to perform a variety of laboratory and environmental monitoring and associated activities.

Analyze, and interpret environmental data, reaching valid conclusions.

Prepare a variety of technical reports, which includes use of word processing and spreadsheet software.

Develop budget and conduct fiscal monitoring activities.

Prepare or oversee the preparation of a variety of technical program reports.

Operate a variety of office and technical equipment and computers in the performance of laboratory sampling and testing and environmental monitoring.

Effectively represent the Environmental Services Section of the Water Quality Control Division in contacts with the public, businesses, engineers, architects, and other City staff.

Establish and maintain cooperative working relationships.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years of experience performing laboratory analyses ~~chemical, biological, or microbiological analysis~~ and/or a variety of laboratory work including with emphasis on environmental monitoring, sampling, and analysis of water, wastewater or other closely related environmental samples, including at least one year of lead or supervisory experience

Training:

Education equivalent to completion of college degree in biology, chemistry, biochemistry, or closely related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California Driver's license.

Possession of a valid CWEA Grade II Laboratory Certificate within two and a half years (2.5 years) years of appointment. Possession of a CWEA Grade III Laboratory Certificate within four (4) years of appointment.

Completion of Hazardous Material Forty-Hour (40) First Responder Training, as prescribed by the State Office of Emergency Services within two (2) years of appointment.

WORKING CONDITIONS

Environmental Conditions:

Work is usually performed in office environment; some work is performed in varying temperatures and humidity; some exposure to dust; possible exposure to hazardous waste and materials; possible

Environmental Conditions, Continued:

exposure to gases, fumes, and a variety of pollutants; contact with other staff and the public.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, and frequently standing and walking.

## Exhibit "A-2"

CITY OF MODESTO  
No. 3134  
No. 3133

AUGUST 2004

### **ASSISTANT PLANNER ASSOCIATE PLANNER**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

#### **DEFINITION**

To perform professional level work in the field of current and advance planning; and to provide information and assistance to developers and the public on planning related matters.

#### **DISTINGUISHING CHARACTERISTICS**

**Assistant Planner** - This is the entry level class in the professional planning series. This class is distinguished from the Associate Planner by the performance of the more routine tasks and duties assigned to positions within the series including the responsibility for assignments in the fields of current or advance planning which require the application of fundamental planning principles. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

**Associate Planner** - This is the full journey level class within the professional planning series. Employees within this class are distinguished from the Assistant Planner by the performance of the full range of duties as assigned including responsibility for the application of professional knowledge and skills to various municipal planning problems and projects and project supervision to professional and other planning employees. Responsibilities include the preparation of specific reports and plans with opportunity for independent judgment in planning work details and making technical determinations. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

#### **SUPERVISION RECEIVED AND EXERCISED**

##### **Assistant Planner**

Receives general supervision from higher level Planning staff.

##### **Associate Planner**

Receives direction from higher level Planning staff.

**SUPERVISION RECEIVED AND EXERCISED** (Continued)

Depending on assignment, exercises direct supervision over less experienced professional and technical staff. ~~in assigned area.~~

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS** - Essential and other important responsibilities and duties may include, but are not limited to, the following:

**Essential Functions:**

Research, analyze and interpret social, economic, population and land use data and trends; prepare written reports on various planning matters and elements of the general plan.

Prepare initial studies and assist in preparing or reviewing environmental impact reports.

Compile information and make recommendations on special studies and prepare planning reports.

Review development proposals and applications for compliance with appropriate regulations and policies; prepare reports and recommendations.

Assist in preparing staff reports for the Planning Commission, various committees and advisory boards as directed.

Check commercial, industrial and residential development plans for issuance of zone clearance; process permit applications and calculate appropriate fees.

Research and draft ordinances for review.

Confer with and advise architects, builders, attorneys, contractors, engineers, and the general public regarding City development policies and standards.

Collect, record and summarize statistical and demographic information; establish and maintain a comprehensive database.

Prepare and review plans for the subdivision and development of land such as neighborhood zoning and development; advise developers in the design of proposed subdivisions and plot plans; process plans as required by the subdivision and zoning regulations.

Write, compile and illustrate departmental reports; draft charts and diagrams for use in departmental presentations at meetings; draft revisions to maps; provide consultation to **ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (continued)**

citizens and developers regarding these matters.

Write staff reports and process applications for zoning changes, variances and use permits; provide information to the public on possible uses of land, physical design constraints, and other use limitations.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints. ~~concerning the City's planning function.~~

Present information to the Planning Commission, Board of Zoning Adjustment, Local Agency Formation Commission and related boards and committees.

Participate in coordinating City planning activities with outside departments.

Plan, prioritize, assign, supervise and review the work of staff involved in planning activities.

**Marginal Functions:**

Perform related duties as assigned.

**QUALIFICATIONS**

**Knowledge of:**

Principles and practices of urban planning and development.

Statistical and research methods as applied to the collection and tabulation of data effecting urban planning.

Graphic illustration and presentation.

~~Purposes,~~ Policies and procedures of the City Council, Planning Commission, Board of Zoning Adjustment, and the Local Agency Formation Commission.

Site planning and architectural design.

Current literature, information sources, and research techniques in the field of

urban planning.

**Knowledge of: (Continued)**

Modern office methods, practices, procedures and equipment.

**Ability to:**

Learn laws underlying general plans, zoning and land divisions.

Learn applicable environmental laws and regulations, and methods of assessment.

Analyze and compile technical and statistical information and prepare reports.

Make presentations before governmental bodies with planning related responsibilities.

Prepare charts, maps, and other graphic illustration.

Prepare concise written and oral reports.

Coordinate the work of assisting employees.

Understand and carry out oral and written directions.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

**In addition to the preceding, when assigned as Associate Planner:**

**Knowledge of:**

Laws underlying general plans, zoning and land divisions.

Applicable environmental laws and regulations.

Principles of supervision, training and performance evaluation.

**Ability to:**

Interpret planning and zoning programs to the general public.

Perform professional planning work with a minimum of supervision.

**Ability to: (Associate Planner, Continued)**

Provide lead supervision, training and project guidance to other planning employees.

**EXPERIENCE AND TRAINING GUIDELINES**

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Assistant Planner**

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in City, regional or urban land use planning or a related field.

**Experience:**

Two years of directly related land use planning experience is desirable.

**Associate Planner**

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban planning or a related field.

**Experience:**

Two years of professional urban or related land use planning experience.

**WORKING CONDITIONS**

**Environmental Conditions:**

Office and field environment; travel from site to site.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition

necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.

**Exhibit "A-3"**

CITY OF MODESTO  
NO. 2370

AUGUST 2004

**ASSISTANT RISK MANAGER**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize and supervise a major function of the City's Risk Management office including property and casualty insurance, Workers' Compensation, employee safety, and public loss prevention programs; and to provide staff assistance to the Risk Manager.

SUPERVISION RECEIVED AND EXERCISED

~~Receives direction from the Risk Manager~~

~~Exercises direct supervision over technical and clerical staff.~~

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS** – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Supervise and participate in the administration of several of the City's risk management programs including property and casualty insurance, workers' compensation, employee safety, and public loss prevention.

Recommend goals and objectives; assist in the development of and implement policies and procedures; review and evaluate assigned staff.

Conduct employee safety inspections and public loss prevention surveys; prepare recommendations for improvements and implementation.

Serve as City Safety Officer.

Implement and conduct a safety training program for City employees; prepare and distribute safety material and aids.

Conduct surveys relating to insurance protection of all City-owned real and

personal properties, ~~public~~ General Liability, Workers' Compensation, and employee bonds; develop adequate and appropriate levels of insurance.

#### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Administer the ~~Public~~ General Liability and Workers' Compensation self-insured programs; investigate and adjust claims as necessary.

Recover damages from responsible third parties; negotiate cost effective settlements with claimants and plaintiffs.

Maintain accurate statistical records and provide quarterly and annual injury/accident reports for distribution.

Maintain a variety of confidential records and files.

Gather and analyze statistical and insurance-related information; prepare recommendations for changes to operating procedures and policies.

#### Marginal Functions:

Perform related duties as assigned.

#### QUALIFICATIONS

##### Knowledge of:

Liability and employee benefits insurance coverages.

Principles, practices and techniques of establishing, maintaining, and modifying a comprehensive risk management program.

The records and reports necessary in the insurance and claims field.

Worker's Compensation Law and claims adjustment administration.

CAL-OSHA regulations.

Records and procedures relating to court actions on insurance and related legal matter.

Principles and practices of organization, administration and personnel management.

Skill in:

Planning, organizing and developing risk management and loss prevention programs.

Developing, implementing and coordinating effective programs for safety and training.

Analyzing and interpreting a variety of complex insurance, medical and legal documents.

Preparing clear and concise reports.

Perceiving and analyzing problems correctly and taking effective corrective action.

Communicating clearly and concisely, both orally and in writing.

Establishing and maintaining cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and skills is qualifying. A typical way to obtain the knowledge and abilities would be:

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration or a related field.

Experience:

Four years of responsible experience in adjusting worker's compensation and casualty claims.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition for sitting for prolonged periods of time; attending meetings; using a personal computer and related office equipment and traveling from site to site.

Exhibit "A-4"

CITY OF MODESTO

AUGUST 2004

**Building Inspector I  
Building Inspector II**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

**DEFINITION**

To perform a variety of residential and commercial building inspection duties at various stages of construction, alteration and repair; to maintain a variety of inspection related records; and to provide information and assistance to the public.

**DISTINGUISHING CHARACTERISTICS**

**Building Inspector I** - This is the entry level class in the Building Inspector series. This class is distinguished from the Building Inspector II by the performance of the more routine tasks and duties assigned to positions within the series including inspections and the issuance of permits. Since this class is typically used as a training class, employees may have only limited related work experience.

**Building Inspector II** - This is the full journey level class within the Building Inspector series. Employees within this class are distinguished from the Building Inspector I by the performance of the full range of duties as assigned including combination inspection (building, electrical, plumbing and mechanical). Employees at this level receive instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

**SUPERVISION RECEIVED AND EXERCISED**

**Building Inspector I**

Receives general supervision from higher level inspection staff.

**Building Inspector II**

Receives general supervision from higher level inspection staff.

May exercise technical supervision over less experienced staff.

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS** - Essential and other important responsibilities and duties may include, but are not limited to, the following:

**Essential Functions:**

Make field inspections of building construction and its components in residential, commercial and industrial applications to assure compliance with applicable codes and regulations of City, State and Federal agencies.

Examine, evaluate and approve the construction of structural framing systems in compliance with Title 24, Title 25 and applicable fire, life and health and safety requirements.

Examine completed construction and general workmanship prior to occupancy.

Maintain plan files, progress reports and properly complete permit inspection records.

Investigate alleged violations of zoning ordinance and related policies.

Perform inspection duties in trade specialties such as plumbing, electrical and mechanical, structural and finish trade areas.

May perform necessary field work and/or issue permits for residential building, plumbing, mechanical and electrical code compliance and special inspection applications.

Inspect foundation, cement, framing, plastering, plumbing, heating, and electrical installations, and a large variety of other complex and routine building system elements for compliance with applicable codes and standards of workmanship.

Check stud, joist, rafter spacing and other structural member factors.

Examine grade, quality, and treatment of lumber, cement, lath, wire and composition.

Ensure proper and safe installation of routine and complex building systems.

Coordinate inspection activities with other City departments and divisions.

Review plans, schedules and specifications for compliance with applicable codes and ordinances.

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (continue)**

Ascertain conformance to Uniform Building Code, Plumbing and Electrical Codes, and pertinent provisions of State and County health and environmental ordinances.

Confer with architects, contractors, builders and the general public in the field and office; prepare correspondence as required.

Explain and interpret requirements and restrictions.

Recommend amendments to building, plumbing, mechanical and electrical codes.

Maintain detailed records and prepare reports.

**Marginal Functions:**

Perform related duties as assigned.

**QUALIFICATIONS**

**Knowledge of:**

Accepted safety standards and methods of building construction.

Building related codes and ordinances enforceable by the City, including the Uniform Building, Electrical, Plumbing and Mechanical Codes.

**Ability to:**

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Make appropriate decisions.

Learn to perform journey level inspection skills in a variety of specialty trade areas and to perform competent and efficient work as a combination Building Inspector.

Enforce State and Municipal Codes under the jurisdiction of the department.

**Ability to: (Continued)**

Read and interpret building plans, specifications, and building codes throughout the course of construction.

Understand and carry out oral and written directions.

Advise on standard construction methods and requirements.

Make arithmetical computations rapidly and accurately.

Communicate clearly and concisely, both orally and in writing.

Prepare precise written inspection correction lists and properly complete permit inspection records.

Establish and maintain cooperative, working relationships with those contacted in the course of work.

Enforce necessary regulations with firmness and tact.

Perform medium manual labor, including but not limited to lifting and carrying up to fifty (50) pounds of weight, climbing, bending, stooping, etc.

**In addition to the preceding, when assigned as Building Inspector II:**

**Knowledge of:**

Principles and techniques of building inspection work.

**Ability to:**

Determine that construction systems conform to City Code requirements.

Apply City codes and policies regarding zoning, environmental matters, and other regulations to field situations.

Work independently with minimal supervision.

**Experience and Training Guidelines**

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Building Inspector I**

**Training:**

Equivalent to an Associate of Arts degree with major course work in Building Inspection Technology or a related field.

**Experience:**

Four years of responsible construction experience equivalent to journey level in one of the following building trades: plumbing, electrical, carpentry, mechanical systems (heating, ventilation and air conditioning (HVAC) or related field.

**License or Certificate:**

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an International Conference of Building Officials (I.C.B.O.) certificate as a Certified Building Inspector is desirable.

**Building Inspector II**

**Training:**

Equivalent to an Associate of Arts degree with major course work in Building Inspection Technology or a related field.

**Experience:**

A minimum of two years of responsible experience as a combination building inspector.

**License or Certificate:**

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an International Conference of Building Officials (I.C.B.O.) certificate as a Certified Building Inspector is required at the time of appointment.

**WORKING CONDITIONS**

**Environmental Conditions:**

Field environment; travel from site to site; exposure to inclement weather conditions.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition and good balance for stooping, squatting, bending, stair climbing, reaching, standing, lifting, and walking on even and uneven levels; operating motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) pounds.

## Exhibit "A-5"

CITY OF MODESTO  
NO. 3320  
NO. 3315

AUGUST 2004

### CIVIL ENGINEERING TECHNICIAN I CIVIL ENGINEERING TECHNICIAN II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

#### DEFINITION

To perform a wide range of technical engineering work including surveying, drafting, office engineering, and traffic engineering work.

#### DISTINGUISHING CHARACTERISTICS

Civil Engineering Technician I - This is the entry-level class in the Civil Engineering Technician series. This class is distinguished from the Civil Engineering Technician II by the performance of the more routine tasks and duties assigned to positions within the series including surveying, drafting, and a variety of office engineering work. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Civil Engineering Technician II - This is the full journey level class within the Civil Engineering Technician series. Employees within this class are distinguished from the Civil Engineering Technician by the performance of the full range of duties as assigned including technical engineering work and inspections. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Civil Engineering Assistant in that the latter perform more complex technical duties.

#### SUPERVISION RECEIVED AND EXERCISED

##### Civil Engineering Technician I

Receives direct supervision from higher level engineering staff.

Civil Engineering Technician II

Receives general supervision from the higher level engineering staff.  
May exercise functional and technical supervision over lower level engineering staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

When assigned to Computer Services:

Using a computer mapping system, update and draft City limit maps, sewer maps, water maps, subdivision maps, and parcel maps; supply contractors and general public with engineering information.

Perform computer backup of files; analyze, digitize and input data points and other information from maps, aerial photographs and other sources.

When assigned to Field Survey:

Perform instrument work on field surveys; assist with the gathering and compilation of field data for layout of road beds, curbs, paving, gutters, and sidewalks; establish tentative lines and grades.

Make engineering computations using survey/engineering related software, keep and reduce field survey notes using survey software and data collection. Use Microsoft Excel to prepare cut sheets for construction stakes.

Using rod or chain, Total Station, or GPS, assist or set and make center line, cross-section and grade stakes, and other markers and reference points; drive stakes, cut brush, locate monuments, and measure distances; assist in making topographical surveys.

Operate transits- Total Station, GPS, and levels in the conduct of a variety of location, construction, property, and other survey work; determine lines, angles, distances and elevations.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Use ~~drafting instruments and other engineering aids~~ Computer-Aided Drafting (CAD) software and other specialized survey software in the office to perform the computing and ~~drafting~~ drawing operations involved in checking and reducing field and survey notes; calculate distances, ties, angles, area, traverses, and closures; computes grades and profiles; clean and ~~adjust~~ calibrate survey instruments.

When assigned to Permits:

Provide information related to project design to the general public, contractors and developers; advise members of the public regarding City standards and development of approval procedures and requirements.

Check legal descriptions of property for accuracy and conformity to legal requirements.

Check subdivision maps, parcel maps, and other engineering documents for conformance to State laws and local ordinances; oversee and update maps to include new subdivisions and other changes.

Research files and records or preparation of legal descriptions and a variety of projects; check and write routine legal descriptions for lien agreements, proposed right-of-way, and utility easements.

Issue utility, curb, sidewalk, street and encroachment permits to developers, contractors and members of the public; calculate permit fees.

Maintain files, maps and records; prepare reports and correspondence.

When Assigned to Traffic Engineering:

Design and draft routine and less complex plans for Parking and Traffic projects; compile data and prepare reports.

Inspect parking and traffic construction projects; investigate and make recommendations on complaints relating to traffic, pedestrian and parking.

Assist in the preparation of statistical and revenue reports related to Traffic engineering.

Marginal Functions:

Perform related duties as required.

QUALIFICATIONS

Knowledge of:

Principles of trigonometry, geometry, and algebra.

Basic drafting principles and practices.

English usage, spelling, grammar and punctuation.

Ability to:

Understand and carry out oral and written instructions.

Learn to skillfully perform technical surveying, drafting, traffic engineering and office engineering.

Perform arithmetical computations neatly and accurately.

Use hand tools with skill and care.

Perform manual labor, when assigned to survey crew, in lifting, carrying, and hammering stakes, hubs, and other instruments.

Clean and maintain surveying equipment.

Keep and maintain records.

Write the less difficult legal descriptions.

Establish and maintain cooperative working relationships with those contacted in the course of work.

**In addition to the preceding when assigned as Civil Engineering Technician II:**

Knowledge of:

Application of algebra, geometry, and trigonometry to technical surveying and drafting work.

Principles, methods, techniques and equipment used in surveying, drafting, and traffic engineering.

Common engineering construction methods and standards.

Ability to:

Operate surveying and engineering equipment efficiently and accurately.

Make accurate engineering computations.

Prepare maps, drawings, and layouts from notes and sketches.

Assist with calculation of cost estimates for Public Works Projects.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and skills is qualifying. A typical way to obtain the knowledge and skills would be:

**Civil Engineering Technician I**

Training:

Equivalent to an Associate of Arts Degree from an accredited college with major coursework in civil engineering or a related field.

Experience:

No Experience required.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.  
**Civil Engineering Technician II**

Training:

Equivalent to an Associate of Arts Degree from an accredited college with major coursework in civil engineering or a related field.

Experience:

Eighteen months of experience comparable to that of a Civil Engineering Technician I with the City of Modesto.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license

**WORKING CONDITIONS**

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles.

**Exhibit "A-6"**

CITY OF MODESTO  
No. 3245

August 2004

**CONSTRUCTION INSPECTOR**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To inspect workmanship and materials used in a variety of public works projects and to ensure conformance with plans, specifications and Departmental regulations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Inspect various structures and construction projects for conformance with specifications and regulations; check line, grade, size, elevation and location of structures.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

Record amounts of materials used and work performed; prepare necessary reports for progress payments.

Review plans and specifications of assigned project; attend pre-construction conferences as necessary.

Inspect materials for identifications as conforming to specifications.

Perform a variety of field tests.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Confer with property owners the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Evaluate and negotiate contract change orders related to construction.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, equipment and safety hazards of constructions inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

Materials sampling and estimate procedures.

Engineering mechanics of structures.

Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

Ability to:

Understand and interpret engineering plans and specifications and prepare accurate engineering records reports.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

### QUALIFICATIONS (Continued)

Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Use basic computer software programs.

### EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

#### Experience:

Two years of increasingly responsible experience performing construction inspection in a variety of public works or related construction projects, such as preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments.

#### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

### WORKING CONDITIONS

#### Environmental Conditions:

Office and field environment; travel from site to site.

#### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time, operate motorized equipment and vehicles.

**Exhibit "A-7"**

CITY OF MODESTO  
NO. 7115  
NO. 7120

AUGUST 2004

**POLICE OFFICER / POLICE OFFICER TRAINEE**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry-level class in the sworn Police Officer series. The classification is designed for candidates currently attending a POST-certified Regular Basic Course academy or for those who have successfully completed a California POST-certified Regular Basic Course academy (Intensive, Extended or Modular formats) by date of appointment. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over non-sworn personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white-collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

~~Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers. (removed all)~~

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

**Police Officer Trainee**

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

Use and care for firearms.

Use maps and learn City geography.

QUALIFICATIONS (Continued)

Handle multiple assignments.

Perform occasional medium-heavy lifting up to 75 lbs.

**Police Officer**

In addition to the abilities listed for Police Officer Trainee:

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

**EXPERIENCE AND TRAINING GUIDELINES**

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Police Officer Trainee**

Training:

Equivalent to the completion of the twelfth grade.

Graduates of a California POST-certified Regular Basic Course must have completed and completion of a minimum of 30 units of college coursework from an accredited college or university.

EXPERIENCE AND TRAINING GUIDELINES (Continued)

Candidates currently enrolled in a California POST-certified Regular Basic Course must have completed a minimum of 15 units of college coursework from an accredited college or university.

Possession of an Associate of Arts degree is desirable.

Experience:

None required.

License or Certificate:

Possession of an appropriate, valid California-driver's license at time of application; valid California driver's license by time of appointment

Police Officer Trainees must be currently attending or completed a California POST certified Regular Basic Law Enforcement Academy Course (Intensive, Extended or Modular formats). Proof of completion of a California POST certified Regular Basic Law Enforcement Academy Course is required by time of appointment. Certificate must be dated within three years unless candidates has qualifying service, as defined in the POST Administrative Manual, Regulation 1008(b), within the past three years.

Additional Requirements:

Minimum of 21 years of age at time of application.

Must meet physical requirements of the job established by the department.

Physical condition is, after examination by a licensed physician and surgeon, free from any physical, emotional, or mental condition that might adversely affect his/her exercise of powers as a Police Officer.

Must be a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship.

Police Officer

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

EXPERIENCE AND TRAINING GUIDELINES (Continued)

Experience:

One year experience in a California law enforcement agency which requires a Basic POST certificate.

License or Certificate

Possession of an appropriate, valid California driver's license at time of application; valid California driver's license by time of appointment.

Possession of a Basic POST Certificate from the State of California.

Additional Requirements:

Minimum of 21 years of age at time of application.

Must meet physical requirements of the job established by the department.

Physical condition is, after examination by a licensed physician and surgeon, free from any physical, emotional, or mental condition that might adversely affect his/her exercise of powers as a Police Officer.

Must be a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles and medium/heavy occasional lifting up to 75 lbs.

Exhibit "A-8"

CITY OF MODESTO  
No. 3231

AUGUST 2004

### **Senior Building Inspector**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

#### **DEFINITION**

To perform a variety of commercial, industrial and complex residential building inspection duties at various stages of construction, alteration and repair; to provide technical assistance to other inspection staff; and to provide information and assistance to the public.

#### **SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from the Chief Building Official.

Exercises functional supervision over building inspection staff.

#### **ESSENTIAL AND MARGINAL FUNCTION STATEMENTS**

##### **Essential Functions:**

Make field inspections of industrial, commercial, and complex residential buildings during various stages of construction and remodeling to assure compliance with applicable codes and regulations of City, State and Federal agencies.

Check plans and specifications of proposed buildings and structures for compliance with uniform building codes and accepted engineering practices; review test reports from laboratories and consulting engineers; make field inspections as required.

Provide technical assistance and educational programs to other building inspection staff in area of assigned specialization.

Review building, electrical, mechanical, plumbing and other specialty plans and specifications to ensure conformance to California Energy laws outlined in Title 24; conduct field review of plans and specifications; approve

changes in work procedures.

Ascertain conformance to Uniform Building Code, Mechanical, Plumbing and Electrical Codes, Dangerous Building and Housing Codes, and pertinent provisions of State and County health and environmental ordinances.

Confer with architects, contractors, builders and the general public in the field and office; explain and interpret requirements and restrictions.

Inspect foundation, concrete, steel, masonry and wood construction, framing, plastering, plumbing, heating, and electrical installations, and a large variety of other complex and routine building system elements insuring proper and safe installations.

Coordinate inspection activities with other City departments and divisions.

Maintain detailed records and prepare reports.

Assist in the preparation of performance evaluation of field personnel.

**Marginal Functions:**

Respond to requests and inquiries from the general public.

Perform related duties and responsibilities as required.

**QUALIFICATIONS**

**Knowledge of:**

Accepted safety standards and methods of building construction for commercial, industrial and residential buildings.

Building related codes and ordinances enforceable by the City, including the Uniform Building, Electrical, Plumbing and Mechanical Codes.

Advanced principles and techniques of building inspection work.

Principles of structural design and engineering calculations.

**QUALIFICATIONS (Continued)**

**Knowledge of:**

Research methods and sources of information related to building code enforcement.

**Ability to:**

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Read and interpret complex building plans, specifications, and building codes.

Understand and carry out oral and written directions.

Advise on standard construction methods and requirements for residential, commercial and industrial buildings.

Provide technical assistance and direction of other building inspection staff in assigned area of specialization.

Make arithmetical computations rapidly and accurately.

Enforce necessary regulations with firmness and tact.

Determine that construction systems conform to City Code requirements.

Apply City codes and policies regarding environmental matters, and other regulations to field situations.

Work independently with minimal supervision.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

~~Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.~~

~~Maintain physical condition appropriate to the performance of assigned duties and responsibilities.~~

~~Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.~~

Perform medium manual labor, including but not limited to lifting and carrying up to fifty (50) pounds of weight, climbing, bending, stooping, etc.

### **Experience and Training Guidelines**

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### **Experience:**

Three years of increasingly responsible experience as a combination building inspector.

#### **Training:**

Equivalent to an Associate of Arts degree with major course work in building inspection technology or a related field.

#### **License or Certificate**

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an I.C.B.O. certificate as a "Certified Building Inspector" is required at time of appointment. An additional I.C.B.O. certificate in any of the following: electrical, plumbing, mechanical or combination is required within one year of appointment.

**WORKING CONDITIONS**

**Environmental Conditions:**

Field environment; travel from site to site; exposure to inclement weather conditions.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition and good balance for stooping, squatting, bending, stair climbing, reaching, standing, lifting, and walking on even and uneven levels; operating motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) pounds.

**Exhibit "A-9"**

CITY OF MODESTO  
No. 3244

AUGUST 2004

**SENIOR CONSTRUCTION INSPECTOR**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To perform a variety of public works construction project inspection duties at various stages of alteration and repair; to provide technical assistance to other inspection staff; and to provide information and assistance to the public.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

Exercises functional and technical supervision over construction inspection staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Inspect a variety of public works construction projects for adherence to plans and specifications such as subdivision and major street construction and reconstruction, sidewalks, curbs, and gutters, waterlines, storm drains, sewer lines, sprinkler systems, airport facilities, street lighting facilities, public buildings and structures, parks and park facilities.

Approve construction procedures and authorize the use of construction materials; enforce compliance with approved plans and specifications.

Provide technical assistance and educational programs to other construction inspection staff.

Confer with architects, contractors and the general public in the field and office; explain and interpret requirements and restrictions.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Record amounts of materials used and work performed; prepare necessary reports for progress payments.

Review plans and specifications of assigned project; attend pre-construction conferences as necessary.

Perform a variety of field tests including soil tests and other materials testing.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with ~~property owners~~ the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

~~Maintain detailed records and prepare reports.~~

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Evaluate and negotiate contract change orders related to construction.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods; materials, equipment and safety hazards of construction inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

QUALIFICATIONS (Continued)

Materials sampling and estimate procedures.

Engineering mechanics of structures.

Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

Research methods and sources of information related to construction inspection.

Ability to:

Provide technical assistance and supervision to other construction inspection staff.

Understand and interpret engineering plans and specifications and prepare accurate engineering records.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Work independently without supervision.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Use basic computer software programs.

## EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

### Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

### Experience:

Three years of increasingly responsible experience performing construction inspection in a variety of public works or related construction projects, such as preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments; including one (1) year of experience as a Construction Inspector for the City of Modesto.

### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

## WORKING CONDITIONS

### Environmental Conditions:

Office and field environment; travel from site to site.

### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) pounds.

**Exhibit "A-10"**

CITY OF MODESTO  
No. 3240

AUGUST 2004

**SUPERVISING CONSTRUCTION INSPECTOR**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To inspect workmanship and materials used in a variety of public works projects; to ensure conformance with plans, specifications and Departmental regulations; and to provide technical assistance and training to other inspection staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the ~~Engineering Services Director~~. Senior Civil Engineer assigned to Construction Administration.

Exercises direct supervision including both technical and functional supervision over assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in construction inspection.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; monitor and control expenditures.

Resolve work problems and interpret administrative policies to subordinates, other departments, consultants, contractors and the public.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Participate in the most complex inspections of various structures and major construction projects for conformance with specifications and regulations; check line, grade, size, elevation and location of structures.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

Record amounts of materials used and work performed; prepare and review necessary reports for progress payments.

Review plans and specifications of assigned project; attend and conduct pre-construction conferences as necessary.

Inspect materials for identification as conforming to specifications.

Evaluate and negotiate contract change orders related to construction.

Perform a variety of field tests.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with ~~property owners~~ the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Marginal Functions:

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles, methods, materials, equipment and safety hazards of construction inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

Materials sampling and estimating procedures.

Engineering mechanics of structures.

Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

### Ability to:

Understand and interpret engineering plans and specifications and prepare accurate engineering records/reports.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Use basic computer software programs.

## EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

### Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

### Experience:

Four years of increasingly responsible experience performing a variety of public works or related construction inspection work. Including two years of experience as a construction inspector with the City of Modesto. One year of the required experience must be in a lead or supervisory capacity.

### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

## WORKING CONDITIONS

### Environmental Conditions:

Office and field environment; travel from site to site.

### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles.

**Exhibit "A-11"**

CITY OF MODESTO  
No. 6615

AUGUST 2004

**TREE TRIMMER**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

**DEFINITION**

To perform skilled work in the trimming, maintenance, and planting of City trees within the Public Works Department.

**SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from a higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS** - Essential and other important responsibilities and duties may include, but are not limited to, the following:

**Essential Functions:**

Using an aerial lift, trim and prune trees to provide clearance of streets, sidewalks, buildings, signs and lights as well as to ensure the continued health of the tree.

Perform ground trimming using pole saws and hydraulic loppers.

Remove standing and fallen trees, stumps, limbs and related debris.

Plant, stake and maintain trees on City owned property and in the public right-of-way.

Operate tree trimming and maintenance equipment such as aerial boom trucks, chippers, stump grinders, dump trucks, and power tools such as chain saws and hydraulic loppers.

Spray and inject pesticides; bolt and cable tree limbs.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

May supervise a work crew.

Perform related duties as assigned.

### **QUALIFICATIONS**

#### **Knowledge of:**

Methods and techniques used in the tree trimming and maintenance.

Uses and purposes of tools and equipment related to tree trimming and maintenance.

Uses and purposes of knots and ropes related to tree trimming and maintenance.

Safe work practices.

#### **Ability to:**

Perform skilled tree trimming and maintenance work.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

**Perform heavy manual labor, including occasional heavy lifting up to one hundred (100) lbs. of weight.**

### **EXPERIENCE AND TRAINING GUIDELINES**

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**EXPERIENCE AND TRAINING GUIDELINES, Continued:**

**Experience:**

Two years of increasingly responsible experience performing tree trimming and tree maintenance duties.

**Training:**

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

**License or Certificate:**

Possession of a valid Class B, California driver's license is required within 45 days of appointment.

Possession of a line Clearance Tree Trimmer certificate is desirable.

Certification by the International Society of Arboriculture as a tree Worker or Arborist designation is highly desirable.

**WORKING CONDITIONS**

**Environmental Conditions:**

Field environment; travel from site to site; exposure to inclement weather conditions.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or moving for prolonged periods of time; operating motorized equipment and vehicles for an entire work shift; occasional heavy lifting one hundred (100) lbs. of weight.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-394**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN  
FOR THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Employee Relations Specialist

The job specification for this classification is being created as a result of a new position approved in fiscal year 04/05 budget. The specification for the classification of Employee Relations Specialist, as shown on the attached **Exhibit "A,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 4, 2004.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## EMPLOYEE RELATIONS SPECIALIST

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Under general administrative direction, to plan, organize, and implement employee relations activities for the City; investigates and resolves grievances; advises departments on disciplinary matters; oversees the Equal Opportunity function; provides negotiation support, provides administrative support to the Personnel Director in assigned program areas; and perform related work as assigned.

### SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the Personnel Director and Assistant Personnel Director.

May exercise direct supervision over professional, technical and other staff.

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Advises departments on performance management and disciplinary matters; may act as lead during administrative investigation, reviews or drafts counseling memoranda, reprimands, notices of intent and final notices of discipline; may represent the City in appeal hearings.

Participates in determining modified duty assignments and reasonable accommodation assignments; advises departments on staffing issues; advises supervisors on interpretation of rules, policies and procedures and Memoranda of Understanding.

Advises supervisors and employees regarding Federal, state and City policies and processes to access leave benefits (such as Family and Medical Leave, Pregnancy Disability Leave, Catastrophic Leave, Military Leave, Leaves of Absence, Administrative Leave, Compulsory Leave, etc.).

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Advises supervisors regarding appropriate payroll application of leaves, holiday pay, overtime and compensating time, workers' compensation, suspensions and other pay issues related to personnel actions.

Receives and reviews grievances; assists supervisors and managers in investigating and resolving grievances; meets with employees and labor representatives regarding grievances and recommends resolutions; may represent the department or the City at hearings.

Establishes and administers tracking systems to monitor trends in grievances and complaints; investigates and recommends proactive solutions to reduce or mitigate problems.

Provides responsible administrative staff assistance including monitoring developments in the human resources field, evaluating their impact on City activities, and recommending policy and procedural improvements.

Conducts salary and benefit surveys; gathers information from other agencies regarding terms, conditions and benefits; meets with department managers to identify concerns; recommends labor strategy and management objectives consistent with strategic plan.

Participates in meet and confer process; analyzes and costs contract proposals, researches issues raised during bargaining; obtains management input on issues; drafts tentative agreements and contract language; maintains accurate records of proceedings.

Represents the City in labor management committees, side table matters and meet and confer on specific issues.

Oversees implementation of Equal Opportunity Plan; ensures timely completion of EEO 4 and annual status reports, maintains annual plan.

Receives and reviews EEO complaints; advises departments on conduct of preliminary investigations; serves as resource for internal investigators; coordinates activities of external investigators; receives and reviews findings and makes recommendations.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Analyzes legislation and regulations to determine effect on public personnel management, labor relations and EEO programs and services.

May supervise assigned staff; manages consultants and investigators.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of public personnel administration, including methods and techniques used in labor relations, recruitment and selection, testing, classification and pay, salary and benefits administration, training and equal opportunity.
- Principles and current methods of public and business administration.
- Principles and practices of organization, administration and personnel management.
- Principles and practices of supervision, training and performance evaluation.
- Modern office management practices and procedures including the operation of a variety of office equipment.
- Technical report writing procedures.
- Applications of statistical methods to management analysis.
- Advanced methods of report preparation and presentation.
- English usage, spelling, grammar, punctuation at an advanced level.
- Administrative research techniques, sources and availability of information.
- Applicable Federal, State, and local laws, codes and regulations.

QUALIFICATIONS (Continued)

Ability to:

- Research, analyze, and make recommendations on administrative, management, and procedural practices.
- Conduct and oversee administrative, harassment, discrimination, disciplinary and fact-finding investigations.
- Perform advanced professional level labor relations and employee relations work.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Organize and implement a comprehensive personnel program.
- Interpret and apply applicable policies, procedures, laws and regulations.
- Devise and operate effective internal control procedures.
- Prepare, review, and approve comprehensive analyses and reports; make effective presentations of conclusions and recommendations orally and in writing.
- Formulate and recommend policies.
- Deal constructively with conflict and develop a consensus.
- Work with and control sensitive, confidential information.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective relationships with those contacted during the course of work.
- Read, understand, and apply complex materials.
- Establish record keeping systems.
- Administer contract services.

QUALIFICATIONS (Continued)

Skill In:

- Use of computers and computer applications and software.

Experience and Training Guidelines:

Any combination of training, experience, and education which demonstrates the possession of the knowledge and abilities stated above, and the ability to perform the duties of this position. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible professional-level experience involving human resources management, employee relations, and labor relations. Experience in a public agency is desirable.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration, management, personnel, or a related field.

WORK CONDITIONS:

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-395**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 1, 2003 AND RESCINDING RESOLUTION NO. 2002-307 AND 2003-81A AND AMENDING EXHIBIT A OF RESOLUTION NO. 2003-331 EFFECTIVE JUNE 30, 2003," TO ESTABLISH A SALARY RANGE FOR EMPLOYEE RELATIONS SPECIALIST AT RANGE 2439, EFFECTIVE AUGUST 4, 2004.**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to amend Resolution No. 2003-330,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

**SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330.**

Exhibit "A" entitled "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective July 1, 2003" attached to Resolution No. 2003-330, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective August 4, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the Salary Range for Employee Relations Specialist at range 2439.

**SECTION 2. EFFECTIVE DATE.** This resolution shall become effective on and after August 4, 2004.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO  
CLASS RANGE TABLE  
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **August 4, 2004**

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RANGE	TITLE
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2419

2420 Executive Secretary – Personnel and City Manager's Offices

2421

2422

2423

2424

2425 Executive Assistant  
Paralegal

2426

2427

2428 Accountant II- in City Clerk's office

2429

2430

2431 Equal Opportunity Officer

2432

2433

2434

2435

2436

2437 Deputy City Attorney I

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RANGE	TITLE
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2438

**2439 Employee Relations Specialist**

2440

2441 Assistant Personnel Director  
Deputy City Attorney II

2442

2443 Senior Deputy City Attorney I

2444 Risk Manager

2445

2446

2447

2448

2449 Senior Deputy City Attorney II

2450

2451

2452 Deputy Director – Cultural and Enterprise Services  
Deputy Director – Engineering & Transportation  
Deputy Director of Finance  
Deputy Director – Operations and Maintenance  
Deputy Director – Recreation and Neighborhoods

2453

2454

2455 Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-396**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE, KAISER PERMANENTE, AMERICAN SPECIALTY HEALTH PLANS (chiropractic coverage) AND PACIFICARE BEHAVIORAL HEALTH; CONTINUING DENTAL AND VISION COVERAGE THROUGH THE CITY'S SELF-INSURED PROGRAM AND AUTHORIZING THE RISK MANAGER TO SERVE AS THE COORDINATOR FOR THE VARIOUS PLANS AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS**

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the Employee Benefits Committee (EBC) has met and reviewed and evaluated coverage for Fiscal Year 2004/2005, and

WHEREAS, the rates charged by health insurance carriers have increased by 0.7% for Kaiser and 15.3% for PacifiCare, and

WHEREAS, mental health rate has increased by 1.72% and dental rates by 10%, and

WHEREAS, chiropractic rates are increasing by 5.14%, and the vision rates are remaining the same, and

WHEREAS, the EBC voted to continue to offer PacifiCare as an alternate to Kaiser, and

WHEREAS, both health plans agreed to continue to offer Preferred Provider Option (PPO) to all employees, and

WHEREAS, the EBC agreed to change the health plan design by increasing the office visit co-pay from \$10 to \$15 for both Kaiser and PacifiCare, and maintaining the drug co-pay at current rates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves execution of agreements with PacifiCare, and Kaiser Permanente, with changes in co-pays; and with American Specialty Health Plans, and PacifiCare Behavioral Health.

BE IT FURTHER RESOLVED that the Council hereby approves the continuation of dental and vision coverage through the City's self-insured program as recommended by the Employee Benefits Committee.

BE IT FURTHER RESOLVED that the Risk Manager is hereby authorized to serve as the coordinator for the various plans and authorize the City Manager to execute all necessary agreements.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Keating

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D Milich  
Michael D Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 397**

**A RESOLUTION APPROVING A THIRD AMENDMENT TO THE CRIME PREVENTION ACT 2000 AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS, FOR ONE MODESTO POLICE OFFICER TO WORK ON THE HIGH-RISK OFFENDER/JUVENILE WARRANT ENFORCEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO THE AGREEMENT**

WHEREAS, on July 1, 2001, by Resolution Number 2001-351, the City Council approved an agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high-risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, on August 8, 2002, by Resolution Number 2002-377, the City Council approved the first amendment to that agreement, and

WHEREAS, on August 6, 2003, by Resolution Number 2003-428 the City Council approved a second amendment to that agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high-risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, the County of Stanislaus Probation Department and the Modesto Police Department desire to continue to provide intensive supervision and monitoring to high-risk juvenile wards, enforce Juvenile Court warrants and conduct police/probation activities to curtail delinquent behavior for the purpose of reducing juvenile crime and gang involvement and increasing offender accountability, and

WHEREAS, the Modesto Police Department can provide an experienced and competent Police Officer for these purposes and the City wishes to enter into a third amendment to the agreement with the Probation Department to provide such services, and

WHEREAS, the cost of one Modesto Police Officer, his or her benefits and personal equipment, will be paid by the County of Stanislaus by a federal grant obtained for the High Risk Offender/Juvenile Warrant Enforcement Program, and

WHEREAS, said amendment extends the term of the agreement from July 1, 2004 to June 30, 2005, and provides total compensation of \$79,700,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Third Amendment to the Crime Prevention 2000 Agreement between the City of Modesto and the Stanislaus County Probation Department for one Modesto Police Officer to work in the High-Risk Offender/Juvenile Warrant Enforcement Program for fiscal year 2004/05 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said amendment to the agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-398**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004/05 BUDGET TO  
RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR THE HIGH RISK  
OFFENDER SUPERVISION AND JUVENILE COURT WARRANT  
ENFORCEMENT PROGRAM**

WHEREAS, on July 1, 2001, by Resolution Number 2001-351, the City Council approved an agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high-risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, on August 8, 2002, by Resolution Number 2002-377, the City Council approved the first amendment to that agreement, and

WHEREAS, on August 6, 2003, by Resolution Number 2003-428 the City Council approved a second amendment to that agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high-risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, the County of Stanislaus Probation Department and the Modesto Police Department desire to continue to provide intensive supervision and monitoring to high-risk juvenile wards, enforce Juvenile Court warrants and conduct police/probation activities to curtail delinquent behavior for the purpose of reducing juvenile crime and gang involvement and increasing offender accountability, and

WHEREAS, the Modesto Police Department can provide an experienced and competent Police Officer for these purposes and the City wishes to enter into a third

amendment to the agreement with the Probation Department to provide such services,  
and

WHEREAS, the cost of one Modesto Police Officer, his or her benefits and personal equipment, will be paid by the County of Stanislaus by a federal grant obtained for the High Risk Offender/Juvenile Warrant Enforcement Program, and

WHEREAS, said amendment extends the term of the agreement from July 1, 2004 to June 30, 2005, and provides total compensation of \$79,700,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/05 Annual Budget is hereby amended as follows:

To:			
Revenue:	\$79,700	0410-190-2983-3313	High Risk Offender Program
To:			
Appropriations:	\$79,700	0410-190-2983 Salary and Benefits	High Risk Offender Program

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 399**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE HOUSING  
AUTHORITY OF STANISLAUS COUNTY FOR PROVISION OF A  
COMMUNITY POLICE OFFICER FOR THE WESTVIEW GARDENS  
HOUSING COMPLEX, WITH AN OPTION TO EXTEND THE AGREEMENT  
FOR TWELVE MONTHS, AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE AGREEMENT**

WHEREAS, the Housing Authority of Stanislaus County operates the Westview Gardens federal housing complex in Modesto, California, and

WHEREAS, by agreement, the Modesto Police Department has assigned a Police Officer to the complex for twelve years, and

WHEREAS, the Housing Authority is desirous to continue this special police service providing investigation and response to calls for police service, presentation of community crime resistance education, drug traffic suppression and drug education, graffiti abatement education and the exchange of information between the residents and other non-enforcement services of the City, and

WHEREAS, the parties may extend said agreement for a period of twelve months upon the written mutual agreement of the parties, and

WHEREAS, this police service is reimbursed by the Housing Authority of Stanislaus County and the service benefits the City of Modesto in reducing calls for police service to the housing project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project for a twelve-month period, with an option to extend the agreement for twelve months, is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-400**

**A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR  
THE 2004 FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT WITH  
THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE  
FOR THE PROCUREMENT OF EQUIPMENT AND TECHNOLOGY AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE SAID APPLICATION**

WHEREAS, the City of Modesto Police Department can make application to the U. S. Department of Justice, Bureau of Justice Assistance for the 2004 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department wishes to submit an application for various unmet equipment and technology needs, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan action, H.1.B.8., which calls for obtaining public service grants, and

WHEREAS, the total grant project will be \$81,277 of which the federal share is \$73,149 and the local match is \$8,128 and that match is available from the Asset Forfeiture Trust Account, and

WHEREAS, as required by the dictates of this program, the Police Department will present a specific budget for equipment and technology to the Council of the City of Modesto, in a public hearing, after notification that the application has been accepted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes submittal of an application for the 2004 Local Law Enforcement Block Grant for the purchase of police equipment and technology.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute said grant application.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-401**

**A RESOLUTION REJECTING THE LOW BID OF \$51,600 FROM COLLINS ELECTRICAL COMPANY, INC., FOR THE PROJECT TITLED, "SCENIC DRIVE LIGHTED CROSSWALK," AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE.**

WHEREAS, this project will install a solar-powered lighted crosswalk and handicap ramps at the intersection of Scenic Drive and Wycliffe Drive, and

WHEREAS, this project will increase safety and encourage pedestrian use in this neighborhood, and

WHEREAS, after several neighborhood meetings and receiving feedback, the Economic Development Committee (EDC) at their May 12, 2003, meeting directed staff to leave the intersection status quo, and to install a lighted crosswalk east of Wycliffe Drive on Scenic Drive, embellish existing striping, replace existing signs with lime green signs, and to add advance signs, and

WHEREAS, this lighted crosswalk project was the preferred alternative of the neighborhood over a traffic signal at Scenic/Lakewood, and

WHEREAS, following the direction from EDC in May, 2003, and approval by Council, staff requested that StanCOG reappropriate the funding intended for a traffic signal at Scenic/Lakewood to be used for a lighted crosswalk at Scenic/Wycliffe, and

WHEREAS, staff received approval of the fund change in January 2004, and

WHEREAS, at the June 3, 2003, Council meeting, staff reported to Council that they were proceeding with the installation of a lighted crosswalk at the intersection of Scenic Drive and Wycliffe Drive, and

WHEREAS, the project was advertised for three weeks during the month of June and bid opening was June 29, 2004, at 11:00 a.m., and

WHEREAS, Collins Electrical Company, Inc., was the low bidder and staff recommends rejecting the bid received due to the fact that this low bid is 78% over the engineer's estimate, and

WHEREAS, there will be no impact to the operating budget if the low bid is rejected and the project re-advertised,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to reject the low bid of \$51,600 from Collins Electrical Company, Inc., for the project titled, "Scenic Drive Lighted Crosswalk," and authorizes staff to re-advertise the project at a future date.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-402**

**RESOLUTION ACCEPTING THE WORK BY ELITE LANDSCAPING, INC. FOR THE "ORVILLE WRIGHT PARK PHASE II" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$781,028.28 PER THE CONTRACT. TOTAL PROJECT COST IS \$1,032,261.04.**

WHEREAS, a report has been filed by the Public Works Director that the project titled "Orville Wright Park Phase II" has been completed by Elite Landscaping, Inc., in accordance with the contract agreement dated March 4, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Orville Wright Park Phase II" project be accepted from said contractor, Elite Landscaping, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$781,028.28 as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-403**

**A RESOLUTION ACCEPTING THE BID AND AWARDING A \$1,721,466.50 CONTRACT WITH GEORGE REED, INC., FOR THE PROJECT TITLED "VIRGINIA CORRIDOR CROSSINGS AND GRADE RESTORATION PROJECT" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED CONSTRUCTION COST IS \$2,022,723.14, WHICH INCLUDES CONSTRUCTION CONTINGENCY AND CONSTRUCTION ADMINISTRATION**

WHEREAS, the bids received for Virginia Corridor Crossings and Grade Restoration Project were opened at 11:00 a.m. on July 13, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$1,721,466.50 received from George Reed Inc., be accepted as the lowest responsible bid and the contract be awarded to George Reed Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of George Reed Inc., in the amount of \$1,721,466.50, and hereby awards George Reed Inc., the contract titled "Virginia Corridor Crossings and Grade Restoration Project."

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-404**

**A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC., FOR DESIGN SERVICES IN THE AMOUNT OF \$96,958.11 FOR ADDITIONAL WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT AND FOR REIMBURSABLE EXPENSES FOR THE PROJECT TITLED "MODESTO TRANSIT BUS MAINTENANCE FACILITY" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT**

WHEREAS, on July 2, 2002, the City Council approved a professional services agreement with Parsons Brinckerhoff Quade and Douglas, Inc., a California corporation, in the amount of \$610,280, to develop engineering plans for the design of the New Bus Maintenance Facility, and

WHEREAS, the City of Modesto has requested additional design services for a bus canopy, oversight for hazardous material abatement for compliance with State laws and local ordinances, Record of Survey to establish new property lines, and design plans for phased construction, and

WHEREAS, Parsons Brinckerhoff Quade and Douglas, Inc., required an additional topographical and boundary survey to complete the design and drainage plans, and

WHEREAS, on June 29, 2004, Parsons Brinckerhoff Quade and Douglas, Inc., submitted to City a scope of work and a fee schedule and requested an amendment to the original Agreement in the not to exceed amount of \$96,958.11, to provide additional engineering on the New Bus Maintenance Facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to agreement with Parsons Brinckerhoff Quade and Douglas, Inc., in the not to exceed amount of \$96,958.11, for additional design

services and for reimbursable expenses for the design of the New Bus Maintenance Facility.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-405**

**A RESOLUTION DENYING THE APPEAL OF PRATT NAVARRO  
ARCHITECTURE TO A BOARD OF ZONING ADJUSTMENT DECISION  
DENYING A CONDITIONAL USE PERMIT FOR AN OFFICE COMPLEX ON  
THE EAST SIDE OF DALE ROAD, NORTH OF VENEMAN AVENUE.**

WHEREAS, an application for a conditional use permit for an office complex on the east side of Dale Road, north of Veneman Avenue was filed by Pratt Navarro Architecture on September 15, 2003, and

WHEREAS, Section 10-1.202(a) and 10-2.2503 of the Municipal Code authorizes the Board of Zoning Adjustment to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on May 27, 2004, in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution 2004-16 the Board of Zoning Adjustment denied the conditional use permit, finding that the proposed three-story office building is not compatible with the adjacent residential neighborhood of principally single-story, single-family homes due to privacy concerns relative to the views from the east-facing third-story windows and outdoor stairway, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment denying the conditional use permit for an office complex on the east side of Dale Road, north of Veneman Avenue was filed with the Office of the City Clerk by Pratt Navarro Architecture on June 9, 2004, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on July 13, 2004, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council of the City of Modesto found and determined that said appeal to the decision of the Board of Zoning Adjustment should be denied and the decision of the Board of Zoning Adjustment should be affirmed because the proposed three-story office building is not compatible with the adjacent residential neighborhood of principally single-story, single-family homes due to privacy concerns relative to the views from the east-facing third-story windows and outdoor stairway.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Pratt Navarro Architecture to the Board of Zoning Adjustment decision denying the conditional use permit for an office complex on the east side of Dale Road, north of Veneman Avenue is denied for the reasons quoted above, and the decision of the Board of Zoning Adjustment is hereby affirmed for the reason set forth above.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: Marsh

ABSENT: Councilmembers: Hawn, Keating

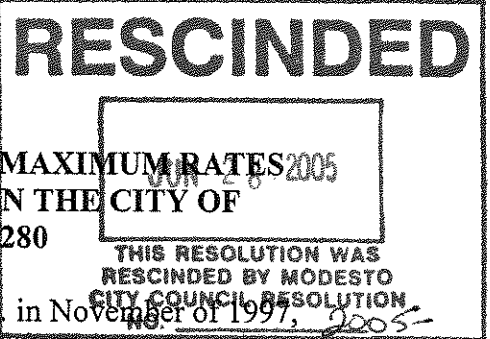
ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-406



**A RESOLUTION ADOPTING A REVISED SCHEDULE OF MAXIMUM RATES 2005  
AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF  
MODESTO, AND SUPERSEDING RESOLUTION NO. 2001-280**

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, 2005-

the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f(2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, the City Council adopted a resolution authorizing tip fees at the City's compost facility, said tip fees will be incorporated as part of the maximum rate for residential solid waste collection services, and

WHEREAS, maximum rates for solid waste collection services are reviewed annually and the City's garbage collection companies, have requested an adjustment in the maximum rates, and

WHEREAS, the City's outside auditor, Maze and Associates conducted the annual rate review analysis of the base maximum rates using the audited financial statements provided by the garbage haulers, and

WHEREAS, new maximum rates have been calculated based on adjustments to the base maximum rates for cost decreases and increases, and a recommendation for a new maximum rate schedule has been developed, and

WHEREAS, July 13, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, was set as the date, time and place for consideration of said recommendations, and

WHEREAS, on July 13, 2004, the City Council opened the public hearing on this issue and continued the matter to August 4, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, and

WHEREAS, the Finance Committee considered this maximum rate schedule at their meeting on July 15, 2004, and recommended by unanimous vote to send this item to the full Council for its consideration, and

WHEREAS, a report dated July 16, 2004, from the Public Works Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, on August 4, 2004, in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, a duly noticed public hearing was held, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That it hereby approves the Maximum Charges for Garbage Service as attached hereto, marked **Exhibit "1"** and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective on August 1, 2004, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2001-280 is hereby superseded, effective August 1, 2004.


The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of August, 2004, by Councilmember Dunbar, moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh, O'Bryant, Mayor  
Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MAXIMUM CHARGES FOR GARBAGE SERVICE**

**STANDARD CONTAINERS**

Maximum Monthly Rates  
(Once a Week Pickup Service)

Standard service shall include one, 90-gallon container for garbage/recyclables, one, 90-gallon container for green waste, blue bag recycling, a countertop container for kitchen scraps, drop-off of old TV and computer tubes, and two bulky item collections per year by appointment. Customer may opt for smaller containers; however, maximum rates apply.

The maximum rate for new sign ups for service or change in service which occurs after July 1, 1996, shall be charged \$18.45 per month regardless of size of container. The maximum rate for each additional garbage container shall be \$13.75 per month.

The maximum rate for customers with 60 gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be \$15.55. The maximum rate for each additional garbage container shall be \$13.75 per month.

The above maximum standard container rate shall apply for service when containers are placed in a location set forth in Section 5-5.11 of the Municipal Code.

**DETACHABLE CONTAINERS**

Number of Collections Per Week

Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$31.87	\$53.25	\$74.60	\$95.97	\$117.34	\$138.71
1½ CY	\$42.57	\$74.61	\$106.68	\$138.46	\$171.11	\$202.83
2 CY	\$53.24	\$95.97	\$138.71	\$181.44	\$224.16	\$266.89
3 CY	\$74.60	\$138.71	\$202.80	\$266.89	\$331.00	\$395.09
4 CY	\$95.97	\$181.44	\$266.89	\$352.36	\$437.82	\$523.29
5 CY	\$117.34	\$224.16	\$331.00	\$437.82	\$544.66	\$651.48
6 CY	\$138.71	\$266.89	\$395.09	\$523.29	\$651.48	\$779.68

**DETACHABLE CONTAINER RENTAL RATES  
ARE INCLUDED IN ABOVE SCHEDULE**

Detachable container size	1 CY to 6 CY
Monthly rental rate	\$10.00

## DROP BOX CONTAINERS

Pick up charge - \$191.35 per pick up  
Rental - \$0.85 per day up to 7 day maximum rental  
\$3.00 per day additional for boxes kept 7 or more days without servicing  
\$10 per day additional for boxes kept 21 or more days without servicing

Disposal charge - Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.

## COMPACTORS

### Front Loader Type:

Compactor Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	152.12	304.24	456.36	608.48	760.60	912.72
4 CY	201.72	403.44	605.16	806.88	1008.60	1210.32

### Roll-Off Type:

6 CY to 40 CY \$191.35 per pickup  
Washing of compactor at the request of customer \$30.00  
Disposal Charge: Actual charge to be paid by customer

## EXTRA PICKUPS

Standard containers or equivalent \$3.50 plus \$1.38/container  
Detachable containers \$12.00 plus \$2.75/cubic yard

## SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

## DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

	1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY	
	\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92	

## NOTATIONS

1. The above maximum residential rates include the \$0.10 per month per household recycling fee payable to the City by the garbage company. In addition to garbage, maximum residential rates also include twice-a-year bulky item pickup, blue bag recycling, green waste collection, food waste containers, cathode ray tube drop-off, and illegal dumping removal from streets and alleys.
2. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-407**

**A RESOLUTION APPOINTING DAVID COGDILL, JR. TO THE BOARD OF  
ZONING ADJUSTMENT**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Section 10-1.201 of the Modesto Municipal Code provides that one member of the Board of Zoning Adjustment shall be appointed from the members of the City Planning Commission, and

WHEREAS, on August 2, 2004 the Planning Commission recommended appointment of DAVID COGDILL, JR. to the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DAVID COGDILL, JR., as representative of the Planning Commission, is hereby appointed to the Board of Zoning Adjustment, with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

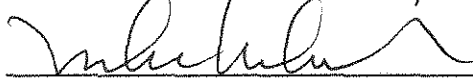
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:



Michael D. Milich, City Attorney

ATTEST:

  
JEAN ZAHRB, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-408**

**A RESOLUTION AMENDING BUSINESS LICENSE TAX APPORTIONMENT  
GUIDELINES PURSUANT TO SECTION 6-1.436 OF THE MODESTO  
MUNICIPAL CODE**

WHEREAS, pursuant to Section 6-1.436 of the Modesto Municipal Code, the City Council is authorized to issue business license tax apportionment guidelines from time to time, and

WHEREAS, on September 23, 2003, the City Council adopted the Business License Tax Apportionment Guidelines set forth in **Attachment "A"** to Resolution No. 2003-501 ("the Guidelines"), and

WHEREAS, it has now become necessary to amend the Guidelines to further, and to more accurately reflect, the intent of the Council in enacting the Guidelines on September 23, 2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Guidelines are amended to read as set forth in **Attachment "A"** to this Resolution.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

## ATTACHMENT "A"

### MODESTO CITY COUNCIL

### BUSINESS LICENSE TAX APPORTIONMENT GUIDELINES

#### A. Preamble

Pursuant to Section 6-1.436 of the Modesto Municipal Code, the City Council hereby issues the following apportionment guidelines to instruct taxpayers who do business in more than one city to divide their gross receipts between those cities to reduce the risk of multiple taxation. These guidelines are intended to guide City officials and their representatives in administering and enforcing the business license tax ordinance.

#### B. Apportioning Taxpayers

For purposes of the business license tax, also known as the mil tax, the City of Modesto ("City") regards as taxable gross receipts all receipts derived from the taxpayer's fixed place of business in the City, or from the taxpayer's business operations performed in the City, as recorded on the records of the business. If a portion of such receipts is derived from business conducted outside the City limits, the taxpayer may apportion its receipts between the jurisdictions in which it does business when the following conditions are met:

1. The activity or portion of activity for which apportionment is requested is part of the business' own operations and it is conducted internally by this business completely outside the City limits; and
2. The taxpayer's business records support with clarity the place of such outside activity and, to the extent practicable under the circumstances, the receipts connected therewith.

#### C. The Apportionment Factors

Receipts are apportioned with emphasis on different aspects of a taxpayer's operations. The taxpayer's business can be divided into as many of the eight economic components as apply to the taxpayer's activity.

If you apply all of the economic components and the maximum percentage for each, one will account for more than 100% of the value of his or her receipts. But by their terms, some of the components apply only to retailers and other sellers of goods and other components apply only to service providers. Therefore, no taxpayer will apply the maximum of each component to its gross receipts.

## 1. The Eight Factors

An apportioning taxpayer may reduce its total receipts from its operation of its City business or from work done in the City by the percentage (not exceeding the cap) reflecting various lands of activity that occur outside the city: (1) if the relevant sales or a portion thereof are negotiated or solicited elsewhere, the taxpayer may reduce its base up to 25%; (2) if the sales office or the place where contracts or orders are accepted and/or processed is elsewhere, the taxpayer may reduce its base up to 15%; (3) if the merchandise was stored elsewhere immediately prior to delivery, the taxpayer may reduce its base by up to 20%; (4) in the case of service providers, if the location of the principal place of business of the service providers who actually worked on the project is outside the City, the taxpayer may reduce its base up to 30%; (5) if the ultimate point of delivery is out of the City, the taxpayer may reduce its base by up to 10%; (6) if the service is actually performed outside the City, the taxpayer may reduce its base by up to 30%; (7) if the billing office is outside the City, the taxpayer may reduce its base by up to 5%; and (8) if the collections office is elsewhere, the taxpayer may reduce its base by up to 5%. These factors are set forth in the following table:

<b>FACTOR</b>	<b>RANGE</b>
Point Of Sale (solicitation or negotiation)	1 % up to 25%
Sales Office Or Place Where Contracts Or Orders Are Accepted And/Or Processed	1 % up to 15%
Warehouse Location.	1 % up to 20%
The Service Providers' Principal Place of Business	1 % up to 20%
Place Where Goods Are Delivered	1 % up to 10%
Place Where Service Is Performed	1 % up to 30%
Location of Billing Office.	1 % up to 5%
Location of Collections Office	1 % up to 5%

## 2. Definitions

### a. Point Of Sale

The location where the sales were negotiated or solicited by the taxpayer, through his or her physical presence or the presence of an employee, representative, or agent.

### b. Sales Office Or Place Where Contracts Or Orders Are Accepted And/Or Processed

The sales office(s) that served as the base of operations for sales activities, or if there is no such sales, the office(s) from which sales activities were internally directed or controlled, or where orders, contracts, etc. were received, accepted or approved at a level above the sales level.

**c. Warehouse Location**

This component applies only to retailers and other sellers of goods to whom the business license tax applies. It refers to the facility or facilities, internally controlled and operated, where the goods, wares, or merchandise were stored immediately prior to shipment or delivery.

**d. Service Provider's Principal Place Of Business**

This component applies only to service providers to whom the business license tax applies. It refers to the location(s) of the principal place of business of the service providers who generated the taxable receipts.

**e. Place Where Goods Are Delivered**

This component applies only to retailers and other sellers of goods to whom the business license tax applies. It refers to the place(s) where goods, wares, merchandise, or services were delivered if the ultimate delivery point is outside the city.

**f. Place Where Services Are Performed**

This component applies only to service providers to whom the business license tax applies. It refers to the location(s) at which the service providers actually perform their work.

**g. Location of Billing Office**

The place(s) where the taxpayer internally performed billing activity.

**h. Location of Collections Office**

The place(s) where the taxpayer internally performed its revenue collection activity.

**D. The Safety Valve**

Given the difficulty of designing an apportionment system that can apply evenly and fairly to all business types, the City Council directs the taxpayer to subdivision (c) of Section 6-1.436 of the Municipal Code, which allows taxpayers, with the consent of the Director, to employ an alternative apportionment method:

None of the business license taxes provided for by this title shall be so applied as to occasion an undue burden upon interstate

commerce or be violative of the Constitutions of the United States or the State of California. In any case where a business license tax is believed by a tax license holder or applicant for a license to place an undue burden upon interstate commerce, or be violative of such constitutional clauses, he may apply to the Tax Collector for an adjustment of the tax. Such application may be made before, at, or within six (6) months after payment of the prescribed business license tax. The applicant shall, by sworn statement and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Tax Collector may deem necessary in order to determine the extent, if any, of such undue burden or violation. The Tax Collector shall then conduct an investigation and, after having first obtained the written approval of the City Attorney, shall fix as the business license tax for the applicant an amount that is reasonable and nondiscriminatory, or if the business license tax has already been paid, shall order a refund of the amount over and above the business license tax so fixed. In fixing the business license tax to be charged, the Collector shall base the tax upon a percentage of gross receipts or any other measure which will assure that the tax assessed shall be uniform with that assessed on businesses of like nature, and that the tax is imposed only on gross receipts resulting from business done with the City, or reasonably deemed to have been conducted in the City.

### **1. The Apportionment Questionnaire**

Concurrent with each tax payment, an apportioning taxpayer must submit a document showing its application of the foregoing guidelines and all supporting documents necessary to illustrate their apportionment calculations.

### **E. Applicability**

These rules will apply to all future payments under the City's business license tax, as well as all claims by taxpayers for tax refunds and all claims by the City for underpayment of the tax, including claims by taxpayer(s) or the City that are pending or being litigated on the date these rules are adopted, if one basis for the taxpayer's claim for refund, or one defense against the City's claim for underpayment, is the City's application of the tax to receipts arising from transactions that occur, in whole or in part, outside the City.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-409**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN (ANNEXATION No. 3)**

WHEREAS, pursuant to Chapter 3.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Chapter 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory; and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (“the District”); and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District; and

WHEREAS, the territory to be annexed is within the City limits;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County

Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85, the map entitled “Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (Village One #2)”, on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86 (as amended by the map entitled “Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2)”, on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 90), and the map entitled “Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 91.

SECTION 3. The territory proposed to be annexed to the District (the “Territory”) is described in **Exhibit A**.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 3 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SECTION 6. The special taxes to be levied in the District are also set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, September 14, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code, stating

(a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

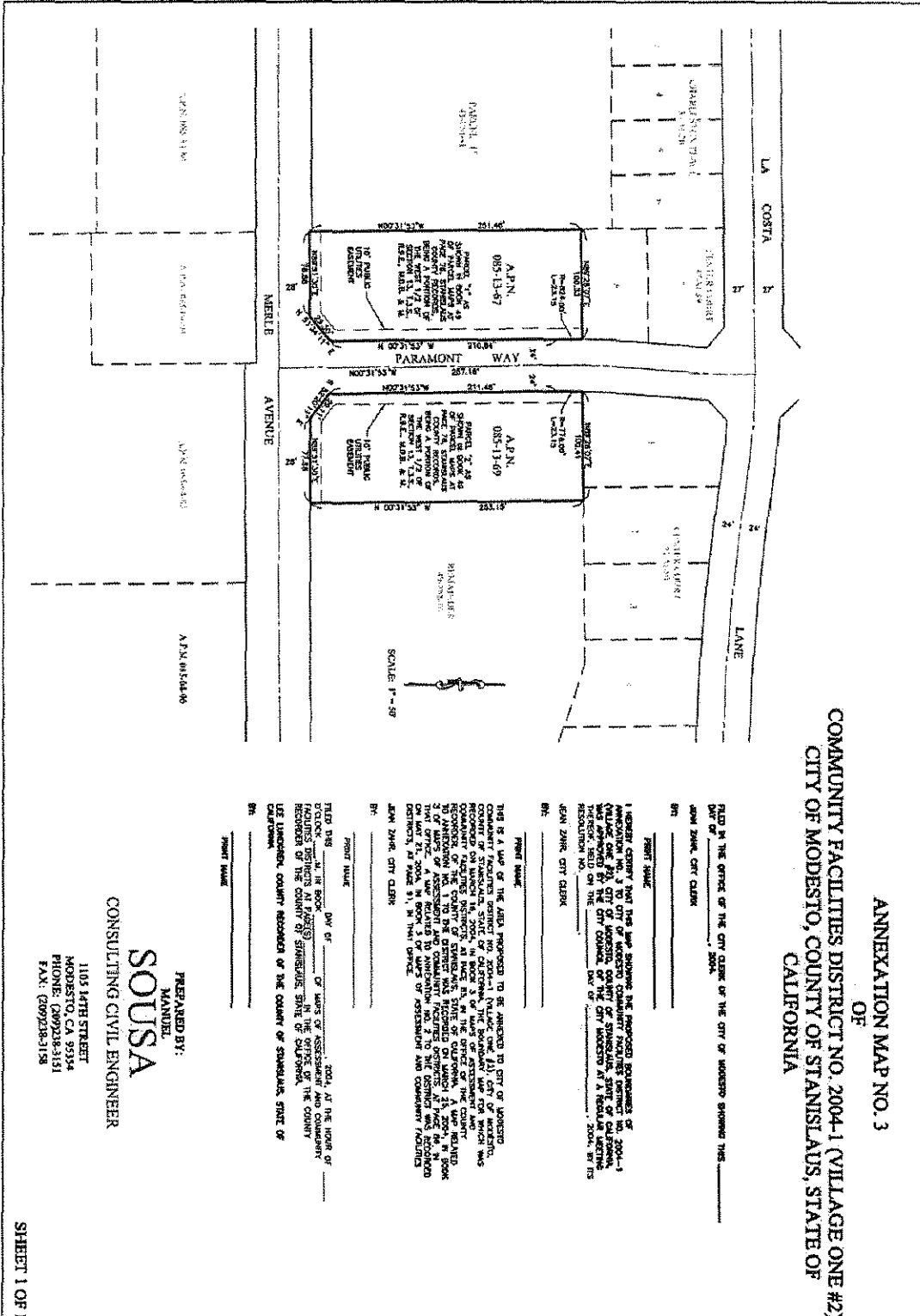
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
ANNEXATION NO. 3 TO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)



ANNEXATION MAP NO. 3  
OF  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)  
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO SHOWING THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2004.

JENN ZINK, CITY CLERK

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

I HEREBY CERTIFY THAT THIS MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004, BY ITS RESOLUTION NO. \_\_\_\_\_.

JENN ZINK, CITY CLERK

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA. THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS. I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA. I HAVE BEEN LICENSED BY THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF CALIFORNIA. MY LICENSE NO. IS \_\_\_\_\_.

JENN ZINK, CITY CLERK

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004, AT THE OFFICE OF \_\_\_\_\_, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

PREPARED BY:  
MANUEL  
**SOSA**  
CONSULTING CIVIL ENGINEER

1105 14TH STREET  
MODESTO, CALIFORNIA  
PHONE: (209) 231-3141  
FAX: (209) 231-3158

SHEET 1 OF 1

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-410**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR CURB, GUTTER AND SIDEWALK REPAIR OR REPLACEMENT, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, AT AN ESTIMATED ANNUAL COST OF \$170,000**

WHEREAS, the City Council adopted a formal policy in 1953 obligating the City to repair curbs, gutters and sidewalks when damage is caused from a City tree, and

WHEREAS, the Public Works Department, Urban Forestry Division is responsible for maintaining the City's curbs, gutters and sidewalks, and

WHEREAS, the Urban Forestry Division currently has a five-plus year backlog for curb, gutter and sidewalk repair or replacement, and

WHEREAS, contracting these services will help to reduce this backlog, and

WHEREAS, bidding these services on an annual basis allows for greater volume of linear feet of work to be bid, thus reducing the overall total cost to the City, and

WHEREAS, contracts may be awarded to more than one (1) company in order to provide backup, or in case the "primary" contractor is unable to meet the City's needs, and

WHEREAS, the secondary or third company could be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the time frame required by the City, and finally if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, Modesto Municipal Code, Section 8-3.203, generally requires all purchases, which meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, the issuance of a formal Request for Bid for the furnishing of curb, gutter and sidewalk repair or replacement will conform to Modesto City Code Section 8-3.203,

NOW, THEREFORE, BE IT HEREBY RESOVLED by the Council of the City of Modesto as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for curb, gutter and sidewalk repair or replacement, for a three (3) year agreement, with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM: .

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 411**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR FOUR (4) LIGHTED  
CROSSWALK UNITS FOR A TOTAL ESTIMATED COST OF \$70,000.00**

WHEREAS, the Public Works Department-Traffic and Development Services Division has requested the purchase of four (4) Lighted Crosswalk Units, and

WHEREAS, on February 24, 2004, the City Council adopted Resolution No. 2004-113 approving the installation of lighted crosswalks at the intersections of Sunrise Avenue and Coolidge Avenue, Orangeburg Avenue and Martin Avenue, Floyd Avenue and Vicki Drive, and Rumble Road and Wales Way, and

WHEREAS, funding from an Office of Traffic Safety (OTS) grant in the amount of \$60,000, and a \$10,000 grant from the Community Development Block Grant (CDBG) has been awarded to the City for the purchase of this equipment, and

WHEREAS, Funding for the lighted crosswalk units are budgeted in Account No. 2300-160-A221 (OTS Lighted Crosswalks Various) and Account No. 1130-320-3254-0505 ( Direct Services Non-Housing), and

WHEREAS, the installation of the lighted crosswalks will promote citizen safety and enhance the quality of life in our community in accordance with the goals sated in the City of Modesto Strategic Plan by providing efficient and effective movement of people, goods, and services by enhancing traffic safety in the area, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of four (4) lighted crosswalk units the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures, and

WHEREAS, the Economic Development Committee (EDC), at their February 9, 2004, meeting discussed this item and concurred with staff's recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit formal Request for Bids as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of four (4) lighted crosswalk units to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-412**

**A RESOLUTION APPROVING AN AGREEMENT WITH MOUNTAIN-VALLEY  
EMERGENCY MEDICAL SERVICES AGENCY FOR ADVANCED LIFE SUPPORT  
(ALS) FIRST RESPONDER, RELOCATING THE ADVANCED LIFE SUPPORT (ALS)  
ENGINE PROGRAM TO FIRE STATION #7 (1800 MABLE AVENUE), AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, on October 1, 2000, the Safety and Communities Committee approved “in-concept” the Pilot Advanced Life Support first responder program within the Modesto Fire Department, and

WHEREAS, on June 25, 2002, the City Council approved funding for the development of a Modesto Fire Department – Advanced Life Support (ALS) Pilot Program, and

WHEREAS, on October 2, 2002, the Safety and Communities Committee received an update on the progress of the ALS Pilot Program to date, and

WHEREAS, the development of the program and labor agreements were completed, and

WHEREAS, the training and licensing of the Fire Department ALS pilot personnel was completed in February, 2003, and

WHEREAS, on February 4, 2003, by resolution No. 2003-70 the City Council authorized the Fire Department to participate in an ALS Engine Pilot Program and authorized the City Manager to execute all necessary contracts and agreements, and

WHEREAS, on July 19, 2003, the Modesto Fire Department implemented the ALS Pilot Program which required contractual agreements between the City of Modesto and Mountain-Valley Emergency Medical Services Agency, the governing Emergency Medical Services Authority for the County of Stanislaus, and

WHEREAS, City staff is recommending an agreement with Mountain-Valley Emergency Medical Services for Advanced Life Support (ALS) First Responder for a period of six months, to be effective through January 2005, and

WHEREAS, City staff also recommends relocating the ALS Pilot Program to Fire Station #7 (1800 Mable Avenue), and

WHEREAS, the Safety & Communities Committee accepted staff's recommendations at its August 2, 2004 meeting,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the agreement with Mountain-Valley Emergency Medical Services Agency for the Advance Life Support First Responder program effective through January 2005 is hereby approved.

BE IT FURTHER RESOLVED that the City Council authorizes the relocation of the Advanced Life Support (ALS) Engine Program to Fire Station #7 (1800 Mable Avenue).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the City's acceptance of all contracts, agreements and documents necessary regarding the aforementioned program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-413**

**A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND GARTNER CONSULTING FOR PROFESSIONAL SERVICES RELATED TO THE SELECTION OF AN UPGRADE/REPLACEMENT SYSTEM FOR MODESTO POLICE AND FIRE DEPARTMENTS RECORD MANAGEMENT, MOBILE DATA SYSTEMS, AND AUTOMATED FIELD REPORTING SYSTEMS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT.**

WHEREAS, in May 2004, the City of Modesto entered into an Agreement for Consultant Services with Gartner Consulting, for a not-to-exceed amount of \$49,500, and

WHEREAS, the City has determined that additional services will be needed after the expiration of the original Agreement, and

WHEREAS, all contracts over the amount of \$50,000, are required to be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to Agreement for Consultant Services with Gartner Consulting in the form attached hereto is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-414**

**A RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH FINAL CUT MEDIA IN THE SUM OF \$167,000 FOR MANAGEMENT OF A PUBLIC, EDUCATION, AND GOVERNMENT (P-E-G) TELEVISION MASTER CONTROL ROOM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.**

WHEREAS, Final Cut Media will provide management of the daily operations of a Public, Education, and Government (PEG) television master control room facility including scheduling of multi-media programming on between three (3) and twenty (20) channels, plus web casting via the Internet, and

WHEREAS, Final Cut Media will provide production and management of Public, Education and Government Video Bulletin Boards, which appear on each channel in between taped or live programming, and

WHEREAS, Final Cut Media will provide a camera crew to produce, broadcast and/or video tape the following meetings originating from the basement chambers of Tenth Street Place, Modesto Centre Plaza, Modesto Police Department and/or the Stanislaus County Office of Education:

- a. All regularly or specially scheduled Modesto City Council Meetings (may include various locations throughout Modesto)
- b. All regularly or specially scheduled Modesto City Council Committee Meetings (upon request)
- c. All regularly or specially scheduled Modesto City Planning Commission Meetings
- d. Specially scheduled City of Modesto Department and/or Citizen Advisory Committee Meetings (upon request and not to exceed 16 per year).
- e. All regularly or specially scheduled Stanislaus County Board of Supervisors Meetings (may include various location throughout Stanislaus County)
- f. All regularly or specially scheduled Stanislaus County Planning Commission Meetings

- g. Specially scheduled Stanislaus County Department Meetings
- h. All regularly or specially scheduled County Board of Supervisor Committee Meetings (upon request)
- i. Three 30-minute monthly produced programs of "Making the Grade" for the Stanislaus County Office of Education
- j. Specially scheduled Stanislaus County Office of Education meetings

WHEREAS, Final Cut Media will duplicate DVD of all Modesto City Council and Stanislaus County Board of Supervisors meetings, providing copies of said meetings to the City of Modesto Clerk's Office and the Stanislaus County Clerk of the Board's Office and storing master copies of all meetings in the Master Control Room library, and

WHEREAS, Final Cut Media will provide staff possessing a qualified skill-level and working knowledge of operating and maintaining broadcast equipment for the transmission of Public Access, Education and Government programming and answer any technical questions regarding the equipment, and

WHEREAS, Final Cut Media agrees to maintain the Regular Hours of Operation as:

- a. Monday through Friday 8 am – 5 pm for Tape Drop-Off for Public
- b. Monday through Friday 10 am – 7 pm for Master Control Room Operation
- c. Monday through Saturday as needed for Education/Government programming
- d. Saturday and Sunday – Open only for Master Control Room Operation
- e. On-Call – 24 hours per day and 365 days per year to oversee the use of the facility and provide technical management as needed, and

WHEREAS, Final Cut Media will work with City staff and contracted broadcast engineers to ensure the proper installation of new equipment and inherited equipment

from Comcast Cable at the Master Control Room location of 1100 H Street, Modesto, California, and

WHEREAS, Final Cut Media will provide ongoing recommendations to City staff for the effective management of the Master Control Room facility, and

WHEREAS, Final Cut Media agrees that any commercial use of equipment is prohibited, and

WHEREAS, Final Cut Media may not rent city-owned equipment to other parties and may not profit from programs produced with City equipment and facilities, and

WHEREAS, Final Cut Media agrees that all access equipment and facility resources must be used to produce programs for broadcasting on the Public-Education-Government access channels, and

WHEREAS, Final Cut Media must adhere to current and future policies and procedures related to Public-Education-Government Programming as established by the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts approves a five-year agreement with FINAL CUT MEDIA in the total sum of \$167,000 per year for management of the daily operations of a Public, Education, and Government (PEG) television master control room.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-415**

**A RESOLUTION APPROVING A TWO-YEAR EXTENSION OF THE  
CURRENT MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF  
MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION TO  
DECEMBER 25, 2006, WITH RELATED SALARY AND BENEFIT CHANGES.**

WHEREAS, certain agreements with the Modesto City Fire Fighters Association (MCFFA) that were reached through the meet and confer process and were approved by Resolution No. 2001-529 are contained in the Memorandum of Understanding (MOU) between City and MCFFA, along with additional provisions resulting from an Arbitration Award dated May 2, 2002, and

WHEREAS, said MOU will expire on December 27, 2004, and

WHEREAS, an amendment to said MOU providing for a revised method of implementing employee cost sharing of retirement contributions was approved by Resolution No. 2003-602, and

WHEREAS, the City and MCFFA agree that it is in their best interests to extend the current MOU by amendment to December 25, 2006 to provide for salary increases and for increases in the City's contribution to employees' health premiums, which amendment, upon execution, shall be attached hereto and made a part hereof, and will be on file in the office of the City Clerk, and

WHEREAS, the MOU Amendment provides as follows:

SECTION 1. Salary: Across-the-board salary increases of 2.5% to be effective 6/28/05 and an additional 2.5% to be effective 9/19/06.

SECTION 2. Health Contribution: The City contributions toward the employees' health, dental and vision insurance premiums, as well as contributions for those who opt out of coverage, shall be as follows:

<u>City Contribution (Health &amp; Cafeteria Plan)</u>		
	<b>December 2004</b>	<b>December 2005</b>
Family	\$750 mo.	\$775 mo.
Single	400 mo.	450 mo.
Opt Out	350 mo.	400 mo.

SECTION 3. Additional Provisions: The MOU extension shall also include provisions for a minimum City contribution to single health coverage, a "me too" as relates to Modesto Police Officers Association health contributions and a commitment to discuss comparable labor markets beginning in January 2006, and

WHEREAS, the Council considered this matter at its meeting of August 10, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a two-year extension to the current Memorandum of Understanding between the City and MCFFA, to December 25, 2006, and upon execution shall be attached hereto and made a part hereof, and will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAJHR, City Clerk

APPROVED AS TO FORM:

  
Michael D. Milich, City Attorney

**Extension to**  
**Memorandum of Understanding**  
**Modesto City Fire Fighters' Association**

This extension to the Memorandum of Understanding (MOU) is entered into this 10<sup>th</sup> day of August, 2004, by and between the Management representatives of the City of Modesto and the representatives of the Modesto City Fire Fighters' Association. This agreement extends the MOU, otherwise set to expire on December 27, 2004, to December 25, 2006.

The initial MOU, effective January 2, 2001, and an amendment effective November 13, 2003, remain in full force and effect with the following modifications:

**Article 2. TERM OF MEMORANDUM**

- a) The term of this Memorandum of Understanding shall be the period of January 2, 2001, through December 27, 2004, inclusive. **This MOU shall be extended to cover the period of December 28, 2004 through December 25, 2006, inclusive.**
- b) The CITY and MCFFA agree to begin subsequent negotiations no later than August 15, 2006. The parties shall meet no later than April 30, 2006, and attempt to reach agreement on a negotiations model for the subsequent negotiations. In preparation for these negotiations, the parties agree to begin discussions on a comparable labor market in January, 2006.

**Article 4. SALARY RATES and STEP ADVANCES**

- a) The parties jointly agree that the following base salary ranges and rates shall be applicable on the dates indicated for classifications in this Unit for the period commencing January 2, 2001 and ending December 25, 2006.

Classification Title	Ranges Effective 1/2/01	
	56 Hour	40 Hour
Firefighter Trainee	203	903
Firefighter	207	707
Fire Engineer	211	711
Fire Captain	217	717

- b) For purposes of this Agreement, base salary range shall mean the salary range assigned to a specific classification as provided in Section (a) of this Article. Base salary rate shall mean the hourly rate of pay established pursuant to the step placement within the base salary range as provided in this Agreement. Salary ranges shall be those provided in Appendix A (Salary Range Chart) of this Agreement, which shall be updated to reflect the new wage rates effective January 2, 2001. Paid time shall be based upon the regular rate of pay with the computation rounded to the nearest cent.
- c) Effective January 2, 2001, the salary range shall be adjusted upward by four and one-half percent (4.5%). Effective January 1, 2002, the salary range provided in Appendix A shall be further adjusted upward by an additional four and one-half percent (4.5%). Effective December 31, 2002, said ranges will be further adjusted upward an additional three percent (3.0%). Effective February 10, 2004, (amended from December 30, 2003), said salary ranges shall be further adjusted upward an additional three percent (3.0%). Effective **June 28, 2005**, said salary ranges shall be further adjusted upward an additional two and one-half percent (2.5%). Effective **September 19, 2006**, said salary ranges shall be further adjusted upward an additional two and one-half percent (2.5%).
- d) When an employee is promoted, the calculation for the salary increase shall be based on the employee's base salary, excluding any Relief Engineer pay, incentive pay or acting pay.
- e) Each salary range shall consist of five (5) steps, A through E. Progression through the steps shall be based upon both length of service and job performance.
- (1) Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the department head and/or City Manager. In cases of exceptional performance, employees hired at higher than Step A, may be considered for their first step increase after thirteen (13) pay periods.
  - (2) Step B shall be paid upon completion of 13 pay periods with an overall "Meets Expectations" performance evaluation.
  - (3) Steps C and D shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" performance evaluation.
  - (4) Step E shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" evaluation and a current certification as a Forty-hour First Responder or EMT. Failure to maintain such certification shall result in automatic reduction to Step D. Only employees who were

certified as Forty-hour First Responders as of May 1, 1994, shall be eligible for Step E without being certified as an EMT.

(5) Merit step increases within the established salary range, may be granted in addition to those above, upon approval of the City Manager.

(6) When a step increase is denied, there shall be another performance evaluation of the employee within thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

(7) Due to performance deficiency, lack of application, indifferent attitude, or other legitimate reasons, an employee's step may be reduced to a lower step upon recommendation of the department head and approval of the City Manager. There is no right of appeal due to the lowering of steps, but the reasons for such shall be given in writing to the employee.

#### **Article 8. RELIEF ASSIGNMENT**

- a) Effective January 2, 2001, Fire Engineers assigned to relief shall receive an additional five percent (5%) in compensation based upon a full one hundred and twelve (112) hour pay period.
- b) Relief Engineers may be assigned to long term vacancies or absences in represented ranks, when it is determined that the vacancy or absence will exceed thirty (30) days. Assignment of a Relief Engineer into long term vacancies or absences shall not exceed sixty (60) calendar days. For vacancies or absences that exceed sixty (60) calendar days, Relief Engineers shall be rotated at 60 day intervals, unless mutually agreed upon by the employee, MCFFA and Fire Management. Relief Engineers assigned to long term vacancies or absences shall continue to receive a five percent (5%) relief incentive pay, regardless of assignment.
- c) Fire Management will make every effort to fill vacancies through hiring and promotion when practical.
- d) Effective December 28, 2004, employees assigned as Relief Firefighters shall receive an additional two and one-half percent (2.5%) in compensation based upon a full one hundred and twelve (112) hour per payperiod.

## Article 16. HEALTH, DENTAL, VISION INSURANCE

- a) All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the health, dental and vision insurance program described in this Article.
- b) The CITY agrees to make available health insurance coverage through the auspices of the Public Employees' Retirement System (PERS) and the dental and vision insurance program currently provided for employees represented by MCFFA or any other program(s) mutually agreed upon by the parties. There shall be a sixty (60) day waiting period for new employees before they become eligible for health, dental or vision insurance benefits.
- c) The CITY shall contribute toward payment of any health premium an amount not to exceed the minimum established by Government Code Section 22825. This minimum health contribution may vary from year to year and is included within the Cafeteria allowances listed in Article 17. CAFETERIA PLAN, below. The CITY shall not contribute this health payment towards the premium of the dental or vision program or for those who waive health, dental or vision coverage.
- d) Except as otherwise required by law, employees on leave without pay in excess of forty (40) hours in a pay period shall not receive a contribution from the CITY towards premium payment and coverage shall cease, unless the premium is paid by the employee. Employees on leave without pay who return to work shall have their health, dental and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.
- e) The CITY agrees to provide the benefits described in this Article subject to carrier requirements. The parties shall annually determine the amount of the surcharge to apply to active employee's health premiums required to fund the CITY's contribution to retired employee's health premiums under PERS Health Plans. Effective January 1, 2002 the surcharge applied to active employees will terminate, and will no longer be applied to active employees' health premiums.
- f) Should either Federal or State statute(s) mandate that the parties participate in a national or state health care plan or system, the parties agree that to the extent practicable, the level of health care benefits currently provided will not be diminished. The parties further agree that should the CITY's cost be reduced, the parties will expeditiously meet and confer to determine how such savings shall inure to the benefit of the employees.

## Article 17. CAFETERIA PLAN

- a) All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the Cafeteria Plan described in this Article. Each such employee may select among the following options and specify

what portion of the amount designated below will be applied. The cafeteria allowance amounts listed in (b) (1) and (b) (2), include the required minimum health contribution, as set forth by Government Code Section 22825.

- b) Cafeteria allowances effective November 30, 2004 and November 29, 2005, are for premiums effective January 1, 2005 and January 1, 2006, respectively. Eligible employees shall be entitled to the following monthly allowances:

1. Effective November 30, 2004, the allowance shall be \$750.00 for employees with dependent coverage (health, dental and vision).

Effective November 29, 2005, this allowance shall increase to \$775.00.

2. Effective November 30, 2004, the allowance shall be \$400.00 for employees with employee only coverage (health, dental and vision), provided that the allowance shall not be less than the combined premium for the lowest cost HMO, dental and vision plan.

Effective November 29, 2005, this amount shall increase to \$450.00, provided that the allowance shall not be less than the combined premium for the lowest cost HMO, dental and vision plan.

3. Effective November 30, 2004, the allowance shall be \$350.00 for employees who waive health, dental and vision, or who waive health but keep dental and vision, regardless of whether the dental and vision is for employee only or dependents.

Effective November 29, 2005, this amount shall increase to \$400.00.

- c) The CITY's Cafeteria allowance in Section (b) above, for health plan years 2005 and 2006, shall not be less than the amounts provided to employees represented by the Modesto Police Officers Association (MPOA) for MPOA's health plan years beginning August 2005 and August 2006, respectively. This "me to" provision shall sunset with the expiration of MCFFA's contract extension, on December 25, 2006. Excluded from this "me too" provision are:

1. any CITY health, dental and vision contributions awarded to MPOA as part of an interest arbitration proceeding,
2. any CITY health, dental and vision contributions to MPOA which may exceed MPOA's negotiated amounts for employee only coverage, if MPOA should enter into an agreement with the CITY whereby the CITY's contributions shall not be less than the lowest cost health, dental and vision premiums for employee only coverage.

d) The Cafeteria Plan shall include the following options:

1. Health, Dental and Vision Insurance. This option provides a monthly allowance toward the combined total premium for the health, dental and vision insurance program provided by the CITY not to exceed the stated monthly maximum benefit of the Cafeteria Plan. All employees shall select this option at least to the level that provides for health, vision and dental coverage for the individual employee, provided that employees may request a waiver of the health coverage from the Personnel Department. Such waiver shall only be granted if the employee shows proof of other health insurance coverage from another carrier. Effective August 1, 2002, an employee who has waived health coverage may also elect to waive dental and vision coverage, provided that the employee shows proof of other dental coverage. Dental and vision coverage may only be waived together, and may not be separately waived. Should an employee who has obtained a waiver to this provision lose such alternative coverage, the employee shall notify the Personnel Department within five (5) work days and enroll in a CITY provided insurance program.
2. Additional Insurance Programs. This option provides a monthly allowance toward payment of premiums for additional insurance programs sponsored by MCFFA or the CITY.
3. Cash. That portion of the allowance not utilized for option (1) or (2) above shall be paid to the employee as cash. Such cash shall be subject to all applicable provisions of the tax code.

e) The CITY shall continue an IRS section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums and for dependent care costs.

## Article 18. RETIREE HEALTH INSURANCE

Employees may elect on a one-time basis at retirement to continue to participate in the dental and/or vision insurance program at their own cost. Upon the death of a retired employee, surviving dependents retain eligibility for continued participation in the dental and/or vision insurance programs.

Retired employees may continue to participate in the PERS Health Plans at their own cost, except that the City shall contribute toward their health premium an amount not to exceed the minimum employer contribution as designated in Government Code Section 22825. During calendar year 2005, the designated minimum employer contribution is \$48.40, increasing to \$64.60 for calendar year 2006.

## Article 31. CATASTROPHIC LEAVE

- a) Employees in regular positions shall be eligible to participate in the catastrophic leave program. To be eligible, an employee must have a verifiable long-term illness or injury, or have a member of the employee's immediate family with a long term illness or injury which results in the employee being requested to take time off from work to care for that family member, and must have exhausted all accrued leave, or soon will have exhausted all such leave, resulting in the employee being in a no-pay status. Catastrophic leave shall be coordinated with Family Leave with respect to CITY payment of insurance contributions.
- b) When a Department Head has determined that an employee would benefit from the establishment of a leave bank, the Department Head will notify the Personnel Office requesting the establishment of a leave bank in the employee's name. The Department Head will be responsible for notifying CITY employees of the need for donations. The Department head will take necessary actions to help ensure that individual employee decisions to donate or not donate to a leave bank are kept confidential and that employees are not pressured to participate. ALL DONATIONS SHALL REMAIN CONFIDENTIAL.
- c) The maximum time that may be initially donated into an employee's leave bank account is 1040 hours. To be eligible to receive more than the original 1040 hour limit, there must be a favorable prognosis for recovery and a predictable date of return to work.
- d) An employee may donate sick leave, vacation and holiday leave only in increments of four (4) hours to a specific employee for which a leave bank has been created. An employee may donate leave only if their own total accrued leave balance will not drop below 168 hours following donation. Donated hours shall be credited to the leave bank of the affected employee as sick leave. The donation of leave hours is irreversible. Should the person receiving the donation not use all donated leave for the initial long-term illness or injury, any balance will remain with that person. When an employee is utilizing leave bank hours, they will not accrue any leave time.
- e) Employees wishing to donate time shall complete and submit the required form to the Personnel Office. After review, the form will be forwarded to the Finance Department for payroll action and adjustment to donor and recipient's paid leave balances.
- f) In no event shall donated time have the effect of altering the employment rights of the CITY or the recipient employee, nor shall it extend or alter the limitations otherwise applicable to leaves of absence or sick leave. The city reserves the right to modify or terminate an established leave bank program as it deems necessary.

## Article 49. PENDING ISSUES

The parties agree to meet and confer during the term of this MOU regarding the issue(s) listed below, once comprehensive information has been obtained. In an attempt to reach a mutual agreement regarding the issue(s), it is agreed neither party may impose upon the other party any changes of terms and conditions, nor exercise the provisions set forth in Section 1206 of the Modesto City Charter.

- 1) PERS Service Credit for Unused Sick Leave.
- 2) Alternative Methods of Dispute Resolution which utilize Interest Based problem solving methods.
- 3) Personnel Systems Redesign
- 4) Vantage Care
- 5) Fire Investigation Staffing

## APPROVAL

This MOU extension was presented to the Modesto City Council for approval on August 10, 2004 and was so approved.

### CITY OF MODESTO

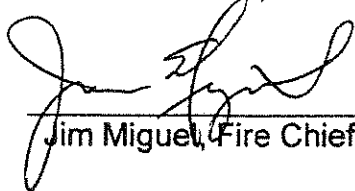
### MODESTO CITY FIRE FIGHTERS' ASSOCIATION



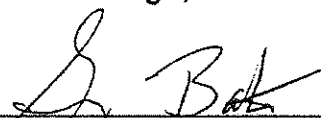
Robin Renwick, Personnel Director



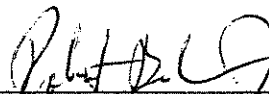
Cecil Ridge, President



Jim Miguel, Fire Chief



Guy Bates, Fire Captain



Robert Berbena, Fire Captain

**Appendix A. SCHEDULE OF SALARY RANGES**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 2006**  
**EFFECTIVE Date June 28, 2005**

SCHEDULE - B  
GENERAL FIRE CLASS - 112 HRS

RANGE	2.50% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0201	14.0041	14.7043	15.4395	16.2115	17.0221	1,568.46	1,646.88	1,729.22	1,815.69	1,906.48	3,411.40	3,581.96	3,761.05	3,949.13	4,146.59
0202	14.3542	15.0719	15.8255	16.6168	17.4476	1,607.67	1,688.05	1,772.46	1,861.08	1,954.13	3,496.68	3,671.51	3,855.10	4,047.85	4,250.23
0203	14.7131	15.4488	16.2212	17.0323	17.8839	1,647.87	1,730.27	1,816.77	1,907.62	2,003.00	3,584.12	3,763.34	3,951.47	4,149.07	4,356.53
0204	15.0809	15.8349	16.6266	17.4579	18.3308	1,689.06	1,773.51	1,862.18	1,955.28	2,053.05	3,673.71	3,857.38	4,050.24	4,252.73	4,465.38
0205	15.4579	16.2308	17.0423	17.8944	18.7891	1,731.28	1,817.85	1,908.74	2,004.17	2,104.38	3,765.53	3,953.82	4,151.51	4,359.07	4,577.03
0206	15.8443	16.6365	17.4683	18.3417	19.2588	1,774.56	1,863.29	1,956.45	2,054.27	2,156.99	3,859.67	4,052.66	4,255.28	4,468.04	4,691.45
0207	16.2404	17.0524	17.9050	18.8003	19.7403	1,818.92	1,909.87	2,005.36	2,105.63	2,210.91	3,956.15	4,153.97	4,361.66	4,579.75	4,808.73
0208	16.6464	17.4787	18.3526	19.2702	20.2337	1,864.40	1,957.61	2,055.49	2,158.26	2,266.17	4,055.07	4,257.80	4,470.69	4,694.22	4,928.92
0209	17.0626	17.9157	18.8115	19.7521	20.7397	1,911.01	2,006.56	2,106.89	2,212.24	2,322.85	4,156.45	4,364.27	4,582.49	4,811.62	5,052.20
0210	17.4892	18.3637	19.2819	20.2460	21.2583	1,958.79	2,056.73	2,159.57	2,267.55	2,380.93	4,260.37	4,473.39	4,697.06	4,931.92	5,178.52
0211	17.9264	18.8227	19.7638	20.7520	21.7896	2,007.76	2,108.14	2,213.55	2,324.22	2,440.44	4,366.88	4,585.20	4,814.47	5,055.18	5,307.96
0212	18.3746	19.2933	20.2580	21.2709	22.3344	2,057.96	2,160.85	2,268.90	2,382.34	2,501.45	4,476.06	4,699.85	4,934.86	5,181.59	5,440.65
0213	18.8340	19.7757	20.7645	21.8027	22.8928	2,109.41	2,214.88	2,325.62	2,441.90	2,563.99	4,587.97	4,817.36	5,058.22	5,311.13	5,576.68
0214	19.3049	20.2701	21.2836	22.3478	23.4652	2,162.15	2,270.25	2,383.76	2,502.95	2,628.10	4,702.68	4,937.79	5,184.68	5,443.92	5,716.12
0215	19.7875	20.7769	21.8157	22.9065	24.0518	2,216.20	2,327.01	2,443.36	2,565.53	2,693.80	4,820.24	5,061.25	5,314.31	5,580.03	5,859.02
0216	20.2822	21.2963	22.3611	23.4792	24.6532	2,271.61	2,385.19	2,504.44	2,629.67	2,761.16	4,940.75	5,187.79	5,447.16	5,719.53	6,005.52
0217	20.7893	21.8288	22.9202	24.0662	25.2695	2,328.40	2,444.83	2,567.06	2,695.41	2,830.18	5,064.27	5,317.51	5,583.36	5,862.52	6,155.64
0218	21.3090	22.3745	23.4932	24.6679	25.9013	2,386.61	2,505.94	2,631.24	2,762.80	2,900.95	5,190.88	5,450.42	5,722.95	6,009.09	6,309.57
0219	21.8417	22.9338	24.0805	25.2845	26.5487	2,446.27	2,568.59	2,697.02	2,831.86	2,973.45	5,320.64	5,586.68	5,866.02	6,159.30	6,467.25
0220	22.3877	23.5071	24.6825	25.9166	27.2124	2,507.42	2,632.80	2,764.44	2,902.66	3,047.79	5,453.64	5,726.34	6,012.66	6,313.29	6,628.94
0221	22.9474	24.0948	25.2995	26.5645	27.8927	2,570.11	2,698.62	2,833.54	2,975.22	3,123.98	5,589.99	5,869.50	6,162.95	6,471.10	6,794.66
0222	23.5211	24.6972	25.9321	27.2287	28.5901	2,634.36	2,766.09	2,904.40	3,049.61	3,202.09	5,729.73	6,016.25	6,317.07	6,632.90	6,964.55
0223	24.1091	25.3146	26.5803	27.9093	29.3048	2,700.22	2,835.24	2,976.99	3,125.84	3,282.14	5,872.98	6,166.65	6,474.95	6,798.70	7,138.65
0224	24.7118	25.9474	27.2448	28.6070	30.0374	2,767.72	2,906.11	3,051.42	3,203.98	3,364.19	6,019.79	6,320.79	6,636.84	6,968.66	7,317.11
0225	25.3296	26.5961	27.9259	29.3222	30.7883	2,836.92	2,978.76	3,127.70	3,284.09	3,448.29	6,170.30	6,478.80	6,802.75	7,142.90	7,500.03

CITY OF MODESTO  
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 2006  
 EFFECTIVE Date June 28, 2005

SCHEDULE - W  
 GENERAL FIRE CLASS - 80 HRS

RANGE	2.50% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0701	19.6057	20.5860	21.6153	22.6961	23.8309	1,568.46	1,646.88	1,729.22	1,815.69	1,906.47	3,411.40	3,581.96	3,761.05	3,949.13	4,146.57
0702	20.0958	21.1006	22.1556	23.2634	24.4266	1,607.66	1,688.05	1,772.45	1,861.07	1,954.13	3,496.66	3,671.51	3,855.08	4,047.83	4,250.23
0703	20.5982	21.6281	22.7095	23.8450	25.0373	1,647.86	1,730.25	1,816.76	1,907.60	2,002.98	3,584.10	3,763.29	3,951.45	4,149.03	4,356.48
0704	21.1132	22.1689	23.2773	24.4412	25.6633	1,689.06	1,773.51	1,862.18	1,955.30	2,053.06	3,673.71	3,857.38	4,050.24	4,252.78	4,465.41
0705	21.6410	22.7231	23.8593	25.0523	26.3049	1,731.28	1,817.85	1,908.74	2,004.18	2,104.39	3,765.53	3,953.82	4,151.51	4,359.09	4,577.05
0706	22.1820	23.2911	24.4557	25.6785	26.9624	1,774.56	1,863.29	1,956.46	2,054.28	2,156.99	3,859.67	4,052.66	4,255.30	4,468.06	4,691.45
0707	22.7366	23.8734	25.0671	26.3205	27.6365	1,818.93	1,909.87	2,005.37	2,105.64	2,210.92	3,956.17	4,153.97	4,361.68	4,579.77	4,808.75
0708	23.3050	24.4703	25.6938	26.9785	28.3274	1,864.40	1,957.62	2,055.50	2,158.28	2,266.19	4,055.07	4,257.82	4,470.71	4,694.26	4,928.96
0709	23.8876	25.0820	26.3361	27.6529	29.0355	1,911.01	2,006.56	2,106.89	2,212.23	2,322.84	4,156.45	4,364.27	4,582.49	4,811.60	5,052.18
0710	24.4848	25.7090	26.9945	28.3442	29.7614	1,958.78	2,056.72	2,159.56	2,267.54	2,380.91	4,260.35	4,473.37	4,697.04	4,931.90	5,178.48
0711	25.0969	26.3517	27.6693	29.0528	30.5054	2,007.75	2,108.14	2,213.54	2,324.22	2,440.43	4,366.86	4,585.20	4,814.45	5,055.18	5,307.94
0712	25.7243	27.0105	28.3610	29.7791	31.2681	2,057.94	2,160.84	2,268.88	2,382.33	2,501.45	4,476.02	4,699.83	4,934.81	5,181.57	5,440.65
0713	26.3674	27.6858	29.0701	30.5236	32.0498	2,109.39	2,214.86	2,325.61	2,441.89	2,563.98	4,587.92	4,817.32	5,058.20	5,311.11	5,576.66
0714	27.0266	28.3779	29.7968	31.2866	32.8509	2,162.13	2,270.23	2,383.74	2,502.93	2,628.07	4,702.63	4,937.75	5,184.63	5,443.87	5,716.05
0715	27.7023	29.0874	30.5418	32.0689	33.6723	2,216.18	2,326.99	2,443.34	2,565.51	2,693.78	4,820.19	5,061.20	5,314.26	5,579.98	5,858.97
0716	28.3949	29.8146	31.3053	32.8706	34.5141	2,271.59	2,385.17	2,504.42	2,629.65	2,761.13	4,940.71	5,187.74	5,447.11	5,719.49	6,005.46
0717	29.1048	30.5600	32.0880	33.6924	35.3770	2,328.38	2,444.80	2,567.04	2,695.39	2,830.16	5,064.23	5,317.44	5,583.31	5,862.47	6,155.60
0718	29.8324	31.3240	32.8902	34.5347	36.2614	2,386.59	2,505.92	2,631.22	2,762.78	2,900.91	5,190.83	5,450.38	5,722.90	6,009.05	6,309.48
0719	30.5782	32.1071	33.7125	35.3981	37.1680	2,446.26	2,568.57	2,697.00	2,831.85	2,973.44	5,320.62	5,586.64	5,865.98	6,159.27	6,467.23
0720	31.3427	32.9098	34.5553	36.2831	38.0973	2,507.42	2,632.78	2,764.42	2,902.65	3,047.78	5,453.64	5,726.30	6,012.61	6,313.26	6,628.92
0721	32.1263	33.7326	35.4192	37.1902	39.0497	2,570.10	2,698.61	2,833.54	2,975.22	3,123.98	5,589.97	5,869.48	6,162.95	6,471.10	6,794.66
0722	32.9295	34.5760	36.3048	38.1200	40.0260	2,634.36	2,766.08	2,904.38	3,049.60	3,202.08	5,729.73	6,016.22	6,317.03	6,632.88	6,964.52
0723	33.7527	35.4403	37.2123	39.0729	41.0265	2,700.22	2,835.22	2,976.98	3,125.83	3,282.12	5,872.98	6,166.60	6,474.93	6,798.68	7,138.61
0724	34.5965	36.3263	38.1426	40.0497	42.0522	2,767.72	2,906.10	3,051.41	3,203.98	3,364.18	6,019.79	6,320.77	6,636.82	6,968.66	7,317.09
0725	35.4614	37.2345	39.0962	41.0510	43.1036	2,836.91	2,978.76	3,127.70	3,284.08	3,448.29	6,170.28	6,478.80	6,802.75	7,142.87	7,500.03

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 2006**  
**EFFECTIVE Date June 28, 2005**

SCHEDULE - Z  
 FIRE FIGHTER TRAINEE - 80 HOURS

RANGE	2.50% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0901	18.5560	19.4838	20.4580	21.4809	22.5549	1,484.48	1,558.70	1,636.64	1,718.47	1,804.39	3,228.74	3,390.17	3,559.69	3,737.67	3,924.55
0902	19.0199	19.9709	20.9694	22.0179	23.1188	1,521.59	1,597.67	1,677.55	1,761.43	1,849.50	3,309.46	3,474.93	3,648.67	3,831.11	4,022.66
0903	19.4954	20.4702	21.4937	22.5684	23.6968	1,559.63	1,637.62	1,719.50	1,805.47	1,895.74	3,392.20	3,561.82	3,739.91	3,926.90	4,123.23
0904	19.9828	20.9819	22.0310	23.1326	24.2892	1,598.62	1,678.55	1,762.48	1,850.61	1,943.14	3,477.00	3,650.85	3,833.39	4,025.08	4,226.33
0905	20.4824	21.5065	22.5818	23.7109	24.8964	1,638.59	1,720.52	1,806.54	1,896.87	1,991.71	3,563.93	3,742.13	3,929.22	4,125.69	4,331.97
0906	20.9945	22.0442	23.1464	24.3037	25.5189	1,679.56	1,763.54	1,851.71	1,944.30	2,041.51	3,653.04	3,835.70	4,027.47	4,228.85	4,440.28
0907	21.5194	22.5954	23.7252	24.9115	26.1571	1,721.55	1,807.63	1,898.02	1,992.92	2,092.57	3,744.37	3,931.60	4,128.19	4,334.60	4,551.34
0908	22.0574	23.1603	24.3183	25.5342	26.8109	1,764.59	1,852.82	1,945.46	2,042.74	2,144.87	3,837.98	4,029.88	4,231.38	4,442.96	4,665.09
0909	22.6088	23.7392	24.9262	26.1725	27.4811	1,808.70	1,899.14	1,994.10	2,093.80	2,198.49	3,933.92	4,130.63	4,337.17	4,554.02	4,781.72
0910	23.1740	24.3327	25.5493	26.8268	28.1681	1,853.92	1,946.62	2,043.94	2,146.14	2,253.45	4,032.28	4,233.90	4,445.57	4,667.85	4,901.25
0911	23.7534	24.9411	26.1882	27.4976	28.8725	1,900.27	1,995.29	2,095.06	2,199.81	2,309.80	4,133.09	4,339.76	4,556.76	4,784.59	5,023.82
0912	24.3472	25.5646	26.8428	28.1849	29.5941	1,947.78	2,045.17	2,147.42	2,254.79	2,367.53	4,236.42	4,448.24	4,670.64	4,904.17	5,149.38
0913	24.9559	26.2037	27.5139	28.8896	30.3341	1,996.47	2,096.30	2,201.11	2,311.17	2,426.73	4,342.32	4,559.45	4,787.41	5,026.79	5,278.14
0914	25.5798	26.8588	28.2017	29.6118	31.0924	2,046.38	2,148.70	2,256.14	2,368.94	2,487.39	4,450.88	4,673.42	4,907.10	5,152.44	5,410.07
0915	26.2193	27.5303	28.9068	30.3521	31.8697	2,097.54	2,202.42	2,312.54	2,428.17	2,549.58	4,562.15	4,790.26	5,029.77	5,281.27	5,545.34
0916	26.8748	28.2185	29.6294	31.1109	32.6664	2,149.98	2,257.48	2,370.35	2,488.87	2,613.31	4,676.21	4,910.02	5,155.51	5,413.29	5,683.95
0917	27.5467	28.9240	30.3702	31.8887	33.4831	2,203.74	2,313.92	2,429.62	2,551.10	2,678.65	4,793.13	5,032.78	5,284.42	5,548.64	5,826.06
0918	28.2354	29.6472	31.1296	32.6861	34.3204	2,258.83	2,371.78	2,490.37	2,614.89	2,745.63	4,912.96	5,158.62	5,416.55	5,687.39	5,971.75
0919	28.9413	30.3884	31.9078	33.5032	35.1784	2,315.30	2,431.07	2,552.62	2,680.26	2,814.27	5,035.78	5,287.58	5,551.95	5,829.57	6,121.04
0920	29.6648	31.1480	32.7054	34.3407	36.0577	2,373.18	2,491.84	2,616.43	2,747.26	2,884.62	5,161.67	5,419.75	5,690.74	5,975.29	6,274.05
0921	30.4064	31.9267	33.5230	35.1992	36.9592	2,432.51	2,554.14	2,681.84	2,815.94	2,956.74	5,290.71	5,555.25	5,833.00	6,124.67	6,430.91
0922	31.1666	32.7249	34.3611	36.0792	37.8832	2,493.33	2,617.99	2,748.89	2,886.34	3,030.66	5,422.99	5,694.13	5,978.84	6,277.79	6,591.69
0923	31.9458	33.5431	35.2203	36.9813	38.8304	2,555.66	2,683.45	2,817.62	2,958.50	3,106.43	5,558.56	5,836.50	6,128.32	6,434.74	6,756.49
0924	32.7444	34.3816	36.1007	37.9057	39.8010	2,619.55	2,750.53	2,888.06	3,032.46	3,184.08	5,697.52	5,982.40	6,281.53	6,595.60	6,925.37
0925	33.5630	35.2412	37.0033	38.8535	40.7962	2,685.04	2,819.30	2,960.26	3,108.28	3,263.70	5,839.96	6,131.98	6,438.57	6,760.51	7,098.55

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 2007**  
**EFFECTIVE Date September 19, 2006**

SCHEDULE - B  
GENERAL FIRE CLASS - 112 HRS

RANGE	2.50% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0201	14.3542	15.0719	15.8255	16.6168	17.4476	1,607.67	1,688.05	1,772.46	1,861.08	1,954.13	3,496.68	3,671.51	3,855.10	4,047.85	4,250.23
0202	14.7131	15.4488	16.2212	17.0323	17.8839	1,647.87	1,730.27	1,816.77	1,907.62	2,003.00	3,584.12	3,763.34	3,951.47	4,149.07	4,356.53
0203	15.0809	15.8349	16.6266	17.4579	18.3308	1,689.06	1,773.51	1,862.18	1,955.28	2,053.05	3,673.71	3,857.38	4,050.24	4,252.73	4,465.38
0204	15.4579	16.2308	17.0423	17.8944	18.7891	1,731.28	1,817.85	1,908.74	2,004.17	2,104.38	3,765.53	3,953.82	4,151.51	4,359.07	4,577.03
0205	15.8443	16.6365	17.4683	18.3417	19.2588	1,774.56	1,863.29	1,956.45	2,054.27	2,156.99	3,859.67	4,052.66	4,255.28	4,468.04	4,691.45
0206	16.2404	17.0524	17.9050	18.8003	19.7403	1,818.92	1,909.87	2,005.36	2,105.63	2,210.91	3,956.15	4,153.97	4,361.66	4,579.75	4,808.73
0207	16.6464	17.4787	18.3526	19.2702	20.2337	1,864.40	1,957.61	2,055.49	2,158.26	2,266.17	4,055.07	4,257.80	4,470.69	4,694.22	4,928.92
0208	17.0626	17.9157	18.8115	19.7521	20.7397	1,911.01	2,006.56	2,106.89	2,212.24	2,322.85	4,156.45	4,364.27	4,582.49	4,811.62	5,052.20
0209	17.4892	18.3637	19.2819	20.2460	21.2583	1,958.79	2,056.73	2,159.57	2,267.55	2,380.93	4,260.37	4,473.39	4,697.06	4,931.92	5,178.52
0210	17.9264	18.8227	19.7638	20.7520	21.7896	2,007.76	2,108.14	2,213.55	2,324.22	2,440.44	4,366.88	4,585.20	4,814.47	5,055.18	5,307.96
0211	18.3746	19.2933	20.2580	21.2709	22.3344	2,057.96	2,160.85	2,268.90	2,382.34	2,501.45	4,476.06	4,699.85	4,934.86	5,181.59	5,440.65
0212	18.8340	19.7757	20.7645	21.8027	22.8928	2,109.41	2,214.88	2,325.62	2,441.90	2,563.99	4,587.97	4,817.36	5,058.22	5,311.13	5,576.68
0213	19.3049	20.2701	21.2836	22.3478	23.4652	2,162.15	2,270.25	2,383.76	2,502.95	2,628.10	4,702.68	4,937.79	5,184.68	5,443.92	5,716.12
0214	19.7875	20.7769	21.8157	22.9065	24.0518	2,216.20	2,327.01	2,443.36	2,565.53	2,693.80	4,820.24	5,061.25	5,314.31	5,580.03	5,859.02
0215	20.2822	21.2963	22.3611	23.4792	24.6532	2,271.61	2,385.19	2,504.44	2,629.67	2,761.16	4,940.75	5,187.79	5,447.16	5,719.53	6,005.52
0216	20.7893	21.8288	22.9202	24.0662	25.2695	2,328.40	2,444.83	2,567.06	2,695.41	2,830.18	5,064.27	5,317.51	5,583.36	5,862.52	6,155.64
0217	21.3090	22.3745	23.4932	24.6679	25.9013	2,386.61	2,505.94	2,631.24	2,762.80	2,900.95	5,190.88	5,450.42	5,722.95	6,009.09	6,309.57
0218	21.8417	22.9338	24.0805	25.2845	26.5487	2,446.27	2,568.59	2,697.02	2,831.86	2,973.45	5,320.64	5,586.68	5,866.02	6,159.30	6,467.25
0219	22.3877	23.5071	24.6825	25.9166	27.2124	2,507.42	2,632.80	2,764.44	2,902.66	3,047.79	5,453.64	5,726.34	6,012.66	6,313.29	6,628.94
0220	22.9474	24.0948	25.2995	26.5645	27.8927	2,570.11	2,698.62	2,833.54	2,975.22	3,123.98	5,589.99	5,869.50	6,162.95	6,471.10	6,794.66
0221	23.5211	24.6972	25.9321	27.2287	28.5901	2,634.36	2,766.09	2,904.40	3,049.61	3,202.09	5,729.73	6,016.25	6,317.07	6,632.90	6,964.55
0222	24.1091	25.3146	26.5803	27.9093	29.3048	2,700.22	2,835.24	2,976.99	3,125.84	3,282.14	5,872.98	6,166.65	6,474.95	6,798.70	7,138.65
0223	24.7118	25.9474	27.2448	28.6070	30.0374	2,767.72	2,906.11	3,051.42	3,203.98	3,364.19	6,019.79	6,320.79	6,636.84	6,968.66	7,317.11
0224	25.3296	26.5961	27.9259	29.3222	30.7883	2,836.92	2,978.76	3,127.70	3,284.09	3,448.29	6,170.30	6,478.80	6,802.75	7,142.90	7,500.03
0225	25.9628	27.2609	28.6239	30.0551	31.5579	2,907.83	3,053.22	3,205.88	3,366.17	3,534.48	6,324.53	6,640.75	6,972.79	7,321.42	7,687.49

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 2007**  
**EFFECTIVE Date September 19, 2006**

SCHEDULE - W  
GENERAL FIRE CLASS - 80 HRS

RANGE	2.50% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0701	20.0958	21.1006	22.1556	23.2634	24.4266	1,607.66	1,688.05	1,772.45	1,861.07	1,954.13	3,496.66	3,671.51	3,855.08	4,047.83	4,250.23
0702	20.5982	21.6281	22.7095	23.8450	25.0373	1,647.86	1,730.25	1,816.76	1,907.60	2,002.98	3,584.10	3,763.29	3,951.45	4,149.03	4,356.48
0703	21.1132	22.1689	23.2773	24.4412	25.6633	1,689.06	1,773.51	1,862.18	1,955.30	2,053.06	3,673.71	3,857.38	4,050.24	4,252.78	4,465.41
0704	21.6410	22.7231	23.8593	25.0523	26.3049	1,731.28	1,817.85	1,908.74	2,004.18	2,104.39	3,765.53	3,953.82	4,151.51	4,359.09	4,577.05
0705	22.1820	23.2911	24.4557	25.6785	26.9624	1,774.56	1,863.29	1,956.46	2,054.28	2,156.99	3,859.67	4,052.66	4,255.30	4,468.06	4,691.45
0706	22.7366	23.8734	25.0671	26.3205	27.6365	1,818.93	1,909.87	2,005.37	2,105.64	2,210.92	3,956.17	4,153.97	4,361.68	4,579.77	4,808.75
0707	23.3050	24.4703	25.6938	26.9785	28.3274	1,864.40	1,957.62	2,055.50	2,158.28	2,266.19	4,055.07	4,257.82	4,470.71	4,694.26	4,928.96
0708	23.8876	25.0820	26.3361	27.6529	29.0355	1,911.01	2,006.56	2,106.89	2,212.23	2,322.84	4,156.45	4,364.27	4,582.49	4,811.60	5,052.18
0709	24.4848	25.7090	26.9945	28.3442	29.7614	1,958.78	2,056.72	2,159.56	2,267.54	2,380.91	4,260.35	4,473.37	4,697.04	4,931.90	5,178.48
0710	25.0969	26.3517	27.6693	29.0528	30.5054	2,007.75	2,108.14	2,213.54	2,324.22	2,440.43	4,366.86	4,585.20	4,814.45	5,055.18	5,307.94
0711	25.7243	27.0105	28.3610	29.7791	31.2681	2,057.94	2,160.84	2,268.88	2,382.33	2,501.45	4,476.02	4,699.83	4,934.81	5,181.57	5,440.65
0712	26.3674	27.6858	29.0701	30.5236	32.0498	2,109.39	2,214.86	2,325.61	2,441.89	2,563.98	4,587.92	4,817.32	5,058.20	5,311.11	5,576.66
0713	27.0266	28.3779	29.7968	31.2866	32.8509	2,162.13	2,270.23	2,383.74	2,502.93	2,628.07	4,702.63	4,937.75	5,184.63	5,443.87	5,716.05
0714	27.7023	29.0874	30.5418	32.0689	33.6723	2,216.18	2,326.99	2,443.34	2,565.51	2,693.78	4,820.19	5,061.20	5,314.26	5,579.98	5,858.97
0715	28.3949	29.8146	31.3053	32.8706	34.5141	2,271.59	2,385.17	2,504.42	2,629.65	2,761.13	4,940.71	5,187.74	5,447.11	5,719.49	6,005.46
0716	29.1048	30.5600	32.0880	33.6924	35.3770	2,328.38	2,444.80	2,567.04	2,695.39	2,830.16	5,064.23	5,317.44	5,583.31	5,862.47	6,155.60
0717	29.8324	31.3240	32.8902	34.5347	36.2614	2,386.59	2,505.92	2,631.22	2,762.78	2,900.91	5,190.83	5,450.38	5,722.90	6,009.05	6,309.48
0718	30.5782	32.1071	33.7125	35.3981	37.1680	2,446.26	2,568.57	2,697.00	2,831.85	2,973.44	5,320.62	5,586.64	5,865.98	6,159.27	6,467.23
0719	31.3427	32.9098	34.5553	36.2831	38.0973	2,507.42	2,632.78	2,764.42	2,902.65	3,047.78	5,453.64	5,726.30	6,012.61	6,313.26	6,628.92
0720	32.1263	33.7326	35.4192	37.1902	39.0497	2,570.10	2,698.61	2,833.54	2,975.22	3,123.98	5,589.97	5,869.48	6,162.95	6,471.10	6,794.66
0721	32.9295	34.5760	36.3048	38.1200	40.0260	2,634.36	2,766.08	2,904.38	3,049.60	3,202.08	5,729.73	6,016.22	6,317.03	6,632.88	6,964.52
0722	33.7527	35.4403	37.2123	39.0729	41.0265	2,700.22	2,835.22	2,976.98	3,125.83	3,282.12	5,872.98	6,166.60	6,474.93	6,798.68	7,138.61
0723	34.5965	36.3263	38.1426	40.0497	42.0522	2,767.72	2,906.10	3,051.41	3,203.98	3,364.18	6,019.79	6,320.77	6,636.82	6,968.66	7,317.09
0724	35.4614	37.2345	39.0962	41.0510	43.1036	2,836.91	2,978.76	3,127.70	3,284.08	3,448.29	6,170.28	6,478.80	6,802.75	7,142.87	7,500.03
0725	36.3479	38.1653	40.0736	42.0773	44.1812	2,907.83	3,053.22	3,205.89	3,366.18	3,534.50	6,324.53	6,640.75	6,972.81	7,321.44	7,687.54

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 2007**  
**EFFECTIVE Date September 19, 2006**

SCHEDULE - Z  
 FIRE FIGHTER TRAINEE - 80 HOURS

RANGE	2.50% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0901	19.0199	19.9709	20.9694	22.0179	23.1188	1,521.59	1,597.67	1,677.55	1,761.43	1,849.50	3,309.46	3,474.93	3,648.67	3,831.11	4,022.66
0902	19.4954	20.4702	21.4937	22.5684	23.6968	1,559.63	1,637.62	1,719.50	1,805.47	1,895.74	3,392.20	3,561.82	3,739.91	3,926.90	4,123.23
0903	19.9828	20.9819	22.0310	23.1326	24.2892	1,598.62	1,678.55	1,762.48	1,850.61	1,943.14	3,477.00	3,650.85	3,833.39	4,025.08	4,226.33
0904	20.4824	21.5065	22.5818	23.7109	24.8964	1,638.59	1,720.52	1,806.54	1,896.87	1,991.71	3,563.93	3,742.13	3,929.22	4,125.69	4,331.97
0905	20.9945	22.0442	23.1464	24.3037	25.5189	1,679.56	1,763.54	1,851.71	1,944.30	2,041.51	3,653.04	3,835.70	4,027.47	4,228.85	4,440.28
0906	21.5194	22.5954	23.7252	24.9115	26.1571	1,721.55	1,807.63	1,898.02	1,992.92	2,092.57	3,744.37	3,931.60	4,128.19	4,334.60	4,551.34
0907	22.0574	23.1603	24.3183	25.5342	26.8109	1,764.59	1,852.82	1,945.46	2,042.74	2,144.87	3,837.98	4,029.88	4,231.38	4,442.96	4,665.09
0908	22.6088	23.7392	24.9262	26.1725	27.4811	1,808.70	1,899.14	1,994.10	2,093.80	2,198.49	3,933.92	4,130.63	4,337.17	4,554.02	4,781.72
0909	23.1740	24.3327	25.5493	26.8268	28.1681	1,853.92	1,946.62	2,043.94	2,146.14	2,253.45	4,032.28	4,233.90	4,445.57	4,667.85	4,901.25
0910	23.7534	24.9411	26.1882	27.4976	28.8725	1,900.27	1,995.29	2,095.06	2,199.81	2,309.80	4,133.09	4,339.76	4,556.76	4,784.59	5,023.82
0911	24.3472	25.5646	26.8428	28.1849	29.5941	1,947.78	2,045.17	2,147.42	2,254.79	2,367.53	4,236.42	4,448.24	4,670.64	4,904.17	5,149.38
0912	24.9559	26.2037	27.5139	28.8896	30.3341	1,996.47	2,096.30	2,201.11	2,311.17	2,426.73	4,342.32	4,559.45	4,787.41	5,026.79	5,278.14
0913	25.5798	26.8588	28.2017	29.6118	31.0924	2,046.38	2,148.70	2,256.14	2,368.94	2,487.39	4,450.88	4,673.42	4,907.10	5,152.44	5,410.07
0914	26.2193	27.5303	28.9068	30.3521	31.8697	2,097.54	2,202.42	2,312.54	2,428.17	2,549.58	4,562.15	4,790.26	5,029.77	5,281.27	5,545.34
0915	26.8748	28.2185	29.6294	31.1109	32.6664	2,149.98	2,257.48	2,370.35	2,488.87	2,613.31	4,676.21	4,910.02	5,155.51	5,413.29	5,683.95
0916	27.5467	28.9240	30.3702	31.8887	33.4831	2,203.74	2,313.92	2,429.62	2,551.10	2,678.65	4,793.13	5,032.78	5,284.42	5,548.64	5,826.06
0917	28.2354	29.6472	31.1296	32.6861	34.3204	2,258.83	2,371.78	2,490.37	2,614.89	2,745.63	4,912.96	5,158.62	5,416.55	5,687.39	5,971.75
0918	28.9413	30.3884	31.9078	33.5032	35.1784	2,315.30	2,431.07	2,552.62	2,680.26	2,814.27	5,035.78	5,287.58	5,551.95	5,829.57	6,121.04
0919	29.6648	31.1480	32.7054	34.3407	36.0577	2,373.18	2,491.84	2,616.43	2,747.26	2,884.62	5,161.67	5,419.75	5,690.74	5,975.29	6,274.05
0920	30.4064	31.9267	33.5230	35.1992	36.9592	2,432.51	2,554.14	2,681.84	2,815.94	2,956.74	5,290.71	5,555.25	5,833.00	6,124.67	6,430.91
0921	31.1666	32.7249	34.3611	36.0792	37.8832	2,493.33	2,617.99	2,748.89	2,886.34	3,030.66	5,422.99	5,694.13	5,978.84	6,277.79	6,591.69
0922	31.9458	33.5431	35.2203	36.9813	38.8304	2,555.66	2,683.45	2,817.62	2,958.50	3,106.43	5,558.56	5,836.50	6,128.32	6,434.74	6,756.49
0923	32.7444	34.3816	36.1007	37.9057	39.8010	2,619.55	2,750.53	2,888.06	3,032.46	3,184.08	5,697.52	5,982.40	6,281.53	6,595.60	6,925.37
0924	33.5630	35.2412	37.0033	38.8535	40.7962	2,685.04	2,819.30	2,960.26	3,108.28	3,263.70	5,839.96	6,131.98	6,438.57	6,760.51	7,098.55
0925	34.4021	36.1222	37.9283	39.8247	41.8159	2,752.17	2,889.78	3,034.26	3,185.98	3,345.27	5,985.97	6,285.27	6,599.52	6,929.51	7,275.96

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-415A**

**A RESOLUTION AMENDING THE FISCAL YEAR 04-05 OPERATING BUDGET TO TRANSFER \$79,000 FROM THE GENERAL FUND RESERVE TO THE FIRE DEPARTMENT HEALTH CAFETERIA PLAN ACCOUNT TO PROVIDE FUNDING FOR HEALTH BENEFIT CHANGES.**

WHEREAS, City desires to approve a two-year extension of the current Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Fire Fighters Association (MCFFA) to December 25, 2006, with related salary increases and increases in the City's contribution to employees' health premiums, and

WHEREAS, in addition to funds budgeted within the Fire Department, an additional \$79,000 is needed for increases in the City's contribution to employees' health premiums, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 04-05 Operating Budget is hereby amended to transfer \$79,000 from the General Fund Reserve, to the Fire Department Health Cafeteria Plan Account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-416**

**A RESOLUTION APPROVING AN AGREEMENT TO TERMINATE  
CONTRACT FOR OPERATION OF MULTIPURPOSE FACILITY AT  
SOMERSET MIDDLE SCHOOL, AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE THE AGREEMENT.**

WHEREAS, on May 2, 1995, the City entered into an agreement with Sylvan Union School District (District) for the use of a multipurpose facility at Somerset Middle School, and

WHEREAS, Paragraph 9 of said Agreement allows for its termination by agreement between the City and District, and

WHEREAS, City and District do agree to terminate the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement to Terminate Contract for Operation of Multipurpose Facility at Somerset Middle School.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-417**

**A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) TO APPROPRIATE \$28,600 FOR THE NEIGHBORHOOD CAPITAL IMPROVEMENT PROJECT (NCIP) PROPOSALS FOR SUMMER OF 2004.**

WHEREAS, annually the City of Modesto receives a Community Development Block Grant (CDBG) from the federal Housing and Urban Development Department, and

WHEREAS, for Fiscal Year 2004-2005, \$30,000 has been allocated for the purposes of providing funding to neighborhood-based groups or individuals for beautification or capital projects in their respective neighborhoods that will result in an improvement in the quality of life for the residents of that neighborhood, and

WHEREAS, a Request for Proposal (RFP) for up to \$10,000 per project was released on May 17, 2004, and three proposals were received, and

WHEREAS, a review subcommittee met on June 16, 2004, to review the proposals and submitted recommendations of the Citizens Housing & Community Development Committee (CH&CDC), and

WHEREAS, the CH&CDC met and recommended support of this item at its June 25, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves funding for the following proposals:

- Stanislaus County Mentors: "Zero Graffiti" - \$8,600
- City of Modesto Youth Commission: "Lighted Crosswalk" - \$10,000

- Visually Impaired Person Support (V.I.P.S.): "Center Rehabilitation" -  
\$10,000

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Fahr  
JEAN FAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-418**

**A RESOLUTION APPROVING THE FINAL MAP OF THE OAKCREST  
SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH KB HOME  
NORTH BAY, INC.**

WHEREAS, KB HOME NORTH BAY, INC., is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 13.36 acres, known as the OAKCREST (“SUBDIVISION”), in the Village One Specific Plan Area, and

WHEREAS, an application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on December 4, 2003, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15<sup>th</sup> day of December, 2003, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in

amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-419**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$826,227.20 CONTRACT WITH GEORGE REED INC., FOR THE PROJECT TITLED "SISK ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS \$1,000,000.**

WHEREAS, the bids received for Sisk Road Construction and Drainage Improvements were opened at 11:00 a.m. on July 20, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$826,227.20 received from George Reed Inc., be accepted as the lowest responsible bid and the contract be awarded to George Reed Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of George Reed Inc., in the amount of \$826,227.20, and hereby awards George Reed Inc., the contract titled "Sisk Road Construction and Drainage Improvements."

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-420**

**A RESOLUTION AMENDING THE FY 02-03 CAPITAL IMPROVEMENT BUDGET TO MOVE FUNDS TO 2300-430-M205 CAPITAL GRANTS FUND: A) \$70,000 FROM 0700-430-4380 SPECIAL GAS TAX FUND – SLURRY SEAL B) \$22,000 FROM 0700-800-8000 SPECIAL GAS TAX FUND – GAS TAX C) \$147,948.10 FROM 0700-410-4120 SPECIAL GAS TAX FUND – STREET MAINTENANCE**

WHEREAS, the City of Modesto intends to award a contract to George Reed, Inc., for \$826,227.20, and

WHEREAS, an additional amount of \$240,000 is needed in the 2300-430-M205 Capital Grants Fund, Sisk Road – Evergreen to Dale, Capital Improvement fund to fully fund the construction contract plus construction administration and contingencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY02-03 Capital Improvement Budget as follows:

1. Close project 0700-430-L036 and return the remaining balance of \$27,355 to fund balance.
2. Reallocate and transfer \$22,000 from fund balance 0700-800-8000-8003 to 2300-430-M205 Capital Grants Fund - Sisk Road.
3. Transfer \$148,000 from 0700-410-4120 Special Gas Tax Fund –Street Maintenance to Capital Improvement Project 2300-430-M205 Capital Grants Fund - Sisk Road.
4. Transfer \$70,000 from 0700-430-4380 Special Gas Tax Fund - Slurry Seal to Capital Improvement Project 2300-430-M205 Capital Grants Fund - Sisk Road.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary action to amend the FY 02-03 Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-421**

**A RESOLUTION AWARDING THE BID AND APPROVING A \$629,204.73 CONTRACT WITH GRAHAM CONTRACTORS, INC., FOR THE PROJECT TITLED "2004 SLURRY AND CAPE SEALS" AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS \$760,000.**

WHEREAS, the bids received for 2004 Slurry And Cape Seals were opened at 11:00 a.m. on July 20, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$629,204.73 received from Graham Contractors, Inc., be accepted as the lowest responsible bid and the contract be awarded to Graham Contractors, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Graham Contractors Inc., in the amount of \$629,204.73, and hereby awards Graham Contractors, Inc., the contract titled "2004 Slurry And Cape Seals."

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-422**

**A RESOLUTION AMENDING THE FY 03-04 CAPITAL IMPROVEMENT  
BUDGET TO MOVE \$107,000 FROM 0700-410-4120 SPECIAL GAS TAX FUND  
– STREET MAINTENANCE TO 0700-430-Q001 SPECIAL GAS TAX FUND –  
PAVEMENT MAINTENANCE**

WHEREAS, the City of Modesto intends to award a contract to Graham Contractors, Inc., for \$629,204.73 for the 2004 Slurry and Cape Seals project, and

WHEREAS, an additional amount of \$107,000 is needed in the 0700-430-Q001 Special Gas Tax Fund – Pavement Maintenance Capital Improvement fund to fully fund the construction contract plus construction administration and contingencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY03-04 Capital Improvement Budget to move \$107,000 from 0700-410-4120 Special Gas Tax Fund – Street Maintenance to Capital Improvement Project 0700-430-Q001 Special Gas Tax Fund – Pavement Maintenance.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary action to amend the FY 03-04 Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-423**

**A RESOLUTION APPROVING THE FILING OF AN AMENDMENT TO AN APPROVED SECTION 5307 GRANT WITH THE FEDERAL TRANSIT ADMINISTRATION FOR PUBLIC TRANSIT CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT AMENDMENT AND GRANT AGREEMENT DOCUMENTS**

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the projects, and

WHEREAS, each year the City of Modesto submits a grant application for Section 5307 funds from the formula apportionment made available to the Modesto Urbanized Area by the FTA, and

WHEREAS, the City of Modesto desires to amend the grant application for FY 2003/04 previously submitted by the City and approved by the FTA, and

WHEREAS, Stanislaus Council of Governments (StanCOG), the designated recipient, is expected to amend on August 11, 2004 the previously approved grant under Section 5307 Urban Area Formula Program Assistance for FY 2003-04, and

WHEREAS, the projects in the Section 5307 grant application are in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG on November 12, 2003, as amended, and

WHEREAS, the grant amendment will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs, and

WHEREAS, the Economic Development Committee approved a request to file a Section 5307 grant application with the Federal Transit Administration at its meeting on May 10, 2004, which included the funds being requested in this grant amendment, and

WHEREAS, by a report to the Council dated July 30, 2004, from the Public Works Department, City staff recommended submitting a grant amendment for \$879,394 in Section 5307 formula FTA funds and Congestion Mitigation and Air Quality (CMAQ) funds to partially offset the capital costs of the City's public transit program, a copy of said report is attached hereto and incorporated herein by reference, and

WHEREAS, the City Council conducted a duly noticed Public Hearing on August 10, 2004, in accordance with FTA regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the filing of the Section 5307 grant amendment is hereby approved, and the City Manager, or his designee, is hereby authorized to execute and file said amendment for Federal Section 5307 and CMAQ assistance on behalf of the City of Modesto with the Federal Transit Administration (FTA) for federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United State Code, or other Federal statues authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the Federal Transit Administration requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute grant agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-423A**

**A RESOLUTION MAKING CERTAIN FINDINGS CONCERNING MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE KAISER MODESTO MEDICAL CENTER/CORNERSTONE BUSINESS PARK PROJECT (STATE CLEARINGHOUSE NUMBER 2003072085)**

WHEREAS, on December 30, 2002, Kaiser Foundation Hospitals filed applications for amendments to the Kiernan Business Park Specific Plan, a rezoning to Planned Development Prezone, a Development Agreement, a Sphere of Influence amendment and annexation to the City of Modesto, all to allow a 1,425,000-square-foot Medical Center on 49 acres located on the west side of Dale Road north of Bangs Avenue (“the Project”), and

WHEREAS, the Project also includes a proposal to amend the Sphere of Influence and annex to the City of Modesto an adjacent 39 acres located on the west side of Dale Road south of Kiernan Avenue (“Cornerstone Business Park”), and

WHEREAS, the City of Modesto (“the City”), on July 17, 2003, published an Initial Study and a Notice of Preparation for the Project, which identified potentially significant environmental impacts attributable to the Project, on which basis the City determined that an Environmental Impact Report (“EIR”) was required for the Project, and

WHEREAS, the Notice of Preparation provided notice of the City’s determination, and solicited public input on the proposed scope and content of the EIR for the Project, and

WHEREAS, on July 23, 2003 the City held a public scoping meeting to receive public comments on the scope and content of the EIR, and

WHEREAS, the City published and distributed a Draft EIR for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (State Clearinghouse Number 2003072085) (“DEIR”) for public comment on March 26, 2004, in accordance with Section 21091 of the California Environmental Quality Act (“CEQA”), and

WHEREAS, the DEIR was available for public comment for a period of 45 days as required by Section 21091 of CEQA, the close of the public comment period being May 10, 2004, and

WHEREAS, during the 45-day public comment period the City received twenty letters commenting on the DEIR, and

WHEREAS, the City prepared written responses to all written comments received on the DEIR, said responses being contained in a Final EIR for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (State Clearinghouse Number 2003072085) (“FEIR”) prepared pursuant to Section 15089 of the CEQA Guidelines, and

WHEREAS, the FEIR was published and distributed on July 9, 2004, and consists of the Draft EIR, a list of commentors, copies of all written comments received, responses to those comments that raise environmental issues, and any revisions to the text of the Draft EIR made in response to the comments, as required by Section 15132 of the CEQA Guidelines, and

WHEREAS, the Project would include approval of the following: an amendment to the City’s Sphere of Influence; Annexation of the Project site to the City;

rezoning of the Medical Center site as a Planned Development; an amendment to the Kiernan Business Park Specific Plan; approval of a Development Agreement; permits for the development of site, including building, landscaping, and signage improvements; building permits for the structures; and any necessary agreements for public infrastructure improvement, and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects, the decision-making agency make certain findings regarding those effects, and

WHEREAS, a public hearing on the Project was held by the Planning Commission on July 19, 2004, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2004-36, recommending to the City Council adoption of certain findings and certification of the FEIR, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 10, 2004, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council evidence both oral and documentary was received and considered, and

WHEREAS, the City Council has received and considered the FEIR for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (SCH No. 2003072085) that analyzed the potential environmental effects of the proposed Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of

Modesto that it hereby finds and determines in respect to the FEIR:

1. That the FEIR has been completed in compliance with CEQA; that the City Council has reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR and the Project, prior to acting upon or approving the Project; and that the FEIR represents the independent judgment of the City of Modesto; and
2. That the Findings and Recommendations set forth in Exhibit "A", and incorporated herein by reference, be made by the Council as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs., Title 14, §15000 *et seq.*) relating to the Project. The Findings provide the written analysis and conclusions of the Council regarding the Project's environmental impacts, mitigation measures and alternatives to the Project.
3. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 *et seq.*, the City Council of the City of Modesto adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts of the Project and the anticipated economic, social and other benefits of the Project.

a. Significant Unavoidable Impacts

With respect to the foregoing findings, as set forth in Exhibit A, and in recognition of those facts which are included in the record, the City has determined the following:

- that the Project will cause significant, unavoidable impacts to Agricultural Resources, Transportation and Circulation, Air Quality, Noise, and Water Supply; and
- that the Project will contribute to significant, unavoidable cumulative impacts to Agricultural Resources, Transportation and Circulation, Air Quality, Noise, and Utilities and Service Systems.

These impacts cannot be avoided or substantially reduced by feasible changes or alterations to the Project, other than the changes or alterations already adopted.

b. Overriding Considerations

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project includes all feasible measures that would eliminate or substantially lessen the significant impacts of the Project on the environment, and that the remaining significant, unavoidable impacts of the Project are acceptable in light of the environmental, economic, social and other considerations set forth herein because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and sets forth an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record.

c. Benefits of Proposed Project

The City Council has considered the FEIR, the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the substantial public benefits set forth below.

The City Council has weighed the benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the FEIR and hereby determines that those benefits outweigh the risks and adverse environmental effects and, therefore, further determines that these risks and adverse environmental effects are acceptable.

- (i) High-Quality Medical Care. The Project would enable Kaiser to provide high quality, cost effective, accessible health care to Kaiser Permanente's members and the Modesto community. The Project would provide a new, state-of-the-art inpatient

facility for Kaiser Permanente members in the Modesto area to meet changing health care demands and practices.

- (ii) Provision of Medical Care. The Project will alleviate the existing and projected shortfall of hospital beds in Stanislaus County and enhance Modesto's emergence as a Regional Center of Health Care Excellence by creating a third hospital.
- (iii) Seismic Safety. The Project would create seismically safe, inpatient facilities in Modesto and Stanislaus County.
- (iv) Support Modesto's Objectives for the Kiernan Business Park Specific Plan Area. The Project would play an important role in the enhancement of the Specific Plan Area, particularly given the size of the Medical Center.

The Project would provide a campus environment that is easy to negotiate for both pedestrians and vehicles, by creating open spaces and pedestrian walkways with clearly recognizable destination points, building entrances, landmarks, and street crossings to orient people to Medical Center programs. The Project would create a friendly environment for a diverse mix of people and uses. The Project would establish a central public gathering space that serves as a focal point for the community and, in addition, helps to define the Specific Plan Area.

- (v) Projected Economic Impacts to the Kaiser Modesto Service Area, Stanislaus County and the City of Modesto. As outlined in the March 2004 report prepared by Sedway Group, City believes the Project will result in significant economic benefits to the community which the City recognizes that the exact numbers set forth in the Sedway Report may be optimistic and probably reflect a best case scenario, the City Council finds that Project will result in economic benefits substantially similar to those outlined below.

### Construction Impacts

The Project will result in a construction investment of \$428.4 million through build-out. This level of investment is estimated to generate an average of 394 construction jobs each year of construction and \$156.4 million in construction employee wages.

### Operational Impacts.

#### *Kaiser Modesto Service Area*

The Service Area effects of the Project's operational spending on wages, goods, and services will increase over time as the Project is phased in and employment steadily increases to meet the growing needs of Kaiser's members.

- In 2008, when the hospital becomes operational, the entire Service Area will benefit from an infusion of \$98.9 million in sales, 2,636 jobs, and \$147.7 million in wages, all attributable to the Project.
- By 2013, when the second phase of construction is complete, these impacts will grow to \$158.5 million in sales, 4,077 jobs, and \$247.2 million in wages.
- By 2025, when the facility reaches its planned maximum, Service Area sales will increase by \$327.6 million and the employment base will have 7,516 jobs with \$525.0 million in associated wages that would not be present absent the Project.

#### *Stanislaus County*

Stanislaus County as a whole will capture an estimated 90 percent of the Project's Service Area effects. Thus businesses and households throughout the county will be the major beneficiaries of the Project's economic contributions. These will take the following form:

- As early as 2008, businesses will be enriched by sales of \$85.0 million, 2,390 jobs will be

created, and household wealth will increase by \$134.6 million.

- By 2013, sales will increase to \$136.2 million, with 3,694 jobs supported and \$225.1 million in wages.
- By 2025 when the Project reaches its peak size, Stanislaus County businesses will achieve \$281.7 million in new sales, jobs will increase by 6,795, and households will be richer by \$478.1 million.

These findings indicate that Stanislaus County's economic base will be boosted substantially as a result of Kaiser's health care investment serving the residents of Stanislaus as well as the Southern San Joaquin counties. This will be a vital contribution to the county's economy, helping to improve the county's rate of unemployment which is currently 12 percent.

#### *City of Modesto*

The City of Modesto will reap many benefits from Kaiser's operation of the Project. On average, about 38 percent of the Service Area effects will go to Modesto residents and businesses. This will result in the following economic effects:

- In 2008, Modesto business sales will increase by \$38.6 million, 998 new jobs will be created, and household earnings will increase by \$55.3 million.
- By 2013, sales impacts will increase to \$61.3 million, with 1,542 jobs supported and \$92.9 million in wages.
- By 2025, when the Project is built-out, local sales will increase by \$125.4 million and the employment base will have expanded by 2,844 jobs, with \$197.1 million in associated wages, all attributable to the role of the Project as a major contributor to Modesto's economy.

Within the Service Area, Modesto is the geographic area positioned to garner the greatest economic benefits from the Project. These benefits will be felt throughout the city and not just in the area immediately adjacent to the Project.

4. The Mitigation Monitoring and Reporting Program for the Kaiser Modesto Medical Center/Cornerstone Business Park is attached to this resolution as Exhibit "B" and is incorporated and adopted as part of this resolution herein. The Program identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.
5. The City Council hereby finds and recognizes that the FEIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft Environmental Impact Report for the Project ("DEIR") and also incorporates information obtained by the City since the DEIR was issued. This Council hereby finds and determines that such changes and additional information are not significant new information as that term is defined under the provisions of the California Environmental Quality Act, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and do not reflect any substantial increase in the severity of any environmental impact; that no feasible mitigation measures considerably different from those previously analyzed in the DEIR have been proposed that would lessen significant environmental impacts of the Project; and that no feasible alternatives considerably different from those analyzed in the DEIR have been proposed that would lessen significant environmental impacts of the Project. Accordingly, this Council hereby finds and determines that recirculation of the FEIR for further public review and comment is not warranted; and
6. The City Council does hereby designate the Community and Economic Development Director of the City of Modesto, at his office at 1010 Tenth Street, Modesto, California 95354 as the custodian of documents and record of proceedings on which the decision is based; and
7. The City Council does hereby make the foregoing findings with respect to the significant effects on the environment of such Project, as identified in the FEIR, with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting the FEIR, which full

administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commentors to the DEIR and were not adopted as part of the FEIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the FEIR and elsewhere in the record.

BE IT FURTHER RESOLVED by the Council that it hereby certifies the Final Environmental Impact Report for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (SCH No. 2003072085), a copy of which is available in the City Clerk's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN,  
Senior Deputy City Attorney

## EXHIBIT "A"

### FINDINGS & RECOMMENDATIONS ON THE KAISER PERMANENTE MODESTO MASTER PLAN FEIR

#### I. LAND USE

**Potential Impact:** Impact A.1. The Project would introduce new medical center and business park uses in proximity to existing residential uses, creating the potential for land use compatibility conflicts. (Less than Significant).

**Mitigation:** No mitigation necessary.

**Finding:** The Project is not inherently incompatible with nearby residential land uses. The screening and buffering between the Project and the nearby residential properties, as well as the thoughtful site planning and building design found in the Project, will ensure that the Project will not conflict with the use and enjoyment of nearby residential properties. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact A.2. The Project would introduce new medical center and business park uses in proximity to ongoing agricultural operations, creating the potential for land use compatibility conflicts. (Less than Significant).

**Mitigation:** No mitigation necessary.

**Finding:** The placement of the Project at the edge of urban development would not increase the potential for compatibility conflicts between urban and agricultural uses beyond that which already exists. Rather, it would move an existing urban edge incrementally north and west. Residential properties south of the Project site would cease to occupy the edge of urban development and would themselves be buffered from continued agricultural operations by the proposed development on the Project site. The Medical Buildings, in turn, would be buffered from ongoing agricultural operations to the west by the ring road. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

#### II. AGRICULTURAL RESOURCES

**Potential Impact:** Impact B.1. Implementation of the proposed project would directly result in the permanent loss of Prime Farmland. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure B.1. Compensation for loss of farmland

**Finding:** The loss of farmland on the Project site directly resulting from the Project could be partially mitigated through contribution to the Farmland Conservancy Fund, or to an equivalent program for funding farmland preservation in Stanislaus County, as a condition precedent to the issuance of building permits for the Project. This would serve to compensate for the loss of farmland on the Project site directly resulting from the Project. However, preservation of Prime Farmland through agricultural easements on other Prime Farmland parcels would not mitigate the direct loss of Prime Farmland resulting from the Project to a less-than significant level. Accordingly, notwithstanding the implementation of the mitigation measure described above, impacts related to the permanent loss of Prime Farmland remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact B.2. Development of the medical center and business park uses on the project site may impair the agricultural productivity of surrounding Prime Farmland. (Less than Significant)

**Mitigation:** No mitigation required.

**Finding:** The placement of the project at the edge of urban development would not increase the potential for compatibility conflicts between urban and agricultural uses beyond that which already exists. Rather, it would move an existing urban edge incrementally northward. Residential properties south of the project site would cease to occupy the edge of urban development and would themselves be buffered from continued agricultural operations by the proposed development on the project site. The eastern and northern edges of the project site are separated from agricultural operations by Dale Road and Kiernan Avenue, respectively. An internal ring road, landscaping and surface parking would buffer the hospital buildings from adjacent continued agricultural operations to the west of the project site. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact B.3. Implementation of the proposed project would incrementally contribute to the cumulative loss of prime agricultural land in the Modesto area and in eastern Stanislaus County. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure B.3. Same as Mitigation Measure for Impact B.1.

**Finding:** Contribution to the California Farmland Conservancy fund, or an equivalent farmland preservation program, to fund farmland preservation projects in Stanislaus County would serve to compensate for the Project's contribution to the cumulative impacts of farmland conversion in Stanislaus County and thereby serve to mitigate cumulative Project impacts. However, it would not mitigate the cumulative impacts of the loss of Prime Farmland

to less-than-significant levels. Accordingly, notwithstanding the implementation of the mitigation measure described above, impacts related to the permanent loss of Prime Farmland remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

### III. VISUAL RESOURCES

**Potential Impact:** Impact C.1. Development of the project would change the existing visual character of the project site. (Less than Significant)

**Mitigation:** No mitigation required.

**Finding:** Implementation of the Project would transform the existing agricultural visual character of the Project site to that of a medical center and business park. However, this change would not constitute a significant adverse visual impact under CEQA because the Project will not demolish or obscure any unique or distinguished visual resource. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact C.2. Development of the Kaiser Modesto Medical Center component of the Project would introduce buildings that differ markedly in scale and visual character from the Fleur de Ville residential subdivision to its south. (Less than Significant)

**Mitigation:** No mitigation required.

**Finding:** Although inconsistent with the visual character of the Fleur de Ville residential subdivision, the medical center campus would be separated from Fleur de Ville by a wide setback from the southern property line, landscaping and screening, and through building design. Such measures would minimize the visual impact of the Project on the residential subdivision to its south by buffering and screening the transition between the two uses, and are intended to enhance the visual quality of the Project, its site and its surroundings. The Project, therefore, would not degrade the visual quality of the site and its surroundings. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact C.3. The Project would require outdoor lighting, creating the potential for light and glare on nearby properties. (Less than Significant)

**Mitigation:** No mitigation required.

**Finding:** In the interests of public safety and in order to conform to City requirements for lighting of parking areas, building grounds, interior roadways, and surface parking lots will be illuminated. However, in accordance with City standards, the proposed exterior lighting plan for the medical center would contain and avoid the spillage of direct light onto nearby properties. Although not yet developed, the exterior lighting plan for the

Cornerstone Business Park will comply with the same standards. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

#### IV. TRANSPORTATION AND CIRCULATION

**Potential Impact:** Impact D.1. Traffic generated by Phase A of the project would increase queues at the northbound approach to the intersection of Kiernan Avenue and Salida Boulevard. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level, but the measure is not feasible and is therefore not adopted:

- Mitigation Measure D.1. Lengthen the northbound left turn pocket by 110 feet.

**Finding:** Mitigation Measure D.1 is not feasible because the City of Modesto does not have jurisdiction to design or construct this improvement, which is under the jurisdiction of Stanislaus County. In addition, no funding mechanism has been identified by the County to fund the contemplated improvement and to which the Project sponsors could be required to contribute, and therefore there can be no assurance that sufficient funds would be available by 2008 for the County to construct the improvement. Accordingly, impact D.1 remains significant and unavoidable. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for Kiernan Avenue improvements or other regional traffic mitigation, facilitate possible further private financial participation, and which should provide funding for the improvement if dedicated by County to this mitigation measure. Such a measure can and should be adopted by Stanislaus County.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.2. Traffic generated by Phase A of the Project would increase queues on the eastbound and southbound approaches, and affect traffic levels of service at the intersection of Kiernan Avenue and SR 99 Southbound Ramps during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level, but the measures are not feasible and are therefore not adopted:

- Mitigation Measure D.2.a. Reconstruct the overpass to provide two westbound and two eastbound through lanes.

- Mitigation Measure D.2.b. Widen the eastbound approach to provide one through lane and one shared through/right lane.
- Mitigation Measure D.2.c. Add second westbound left turn lane.
- Mitigation Measure D.2.d. Widen the southbound approach to provide two left-turn lanes and one shared through/right lane.

**Finding:** Mitigation Measures D.2.a-d are not feasible. The City of Modesto does not have the jurisdiction to design or construct these improvements to the SR 99 freeway interchange with Kiernan Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvements. The City has established a Capital Facilities Fees program (CFF) for its share of the cost of these measures, to which the project sponsors will be required to contribute. While construction of these improvements is anticipated to occur as the City builds out, there can be no assurance that sufficient funds will be available by 2008 for Caltrans to construct the improvements. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.3. Traffic generated by Phase A of the Project would increase queues on the northbound approach, and affect traffic levels of service at the intersection of Kiernan Avenue and SR 99 Northbound Ramps during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level, but the measures are not feasible and are therefore not adopted:

- Mitigation Measure D.3.a. Reconstruct the overpass to provide two westbound and two eastbound through lanes.
- Mitigation Measure D.3.b. Restripe the northbound shared left/through lane to a shared left/through/right lane.

**Finding:** Mitigation Measures D.3.a and D.3.b are not feasible. The City does not have the jurisdiction to design or construct these improvements to the SR 99 freeway interchange with Kiernan Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvements. Reconstruction of the overpass would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of these

measures, to which the Project sponsors would be required to contribute. However, an additional bond measure, traffic impact fee, public facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects would need to be adopted and imposed by the County or Caltrans at some future time. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for the Kiernan interchange improvements or other regional traffic mitigation, and facilitate possible further private financial participation. However, this voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on the Kiernan interchange to a less-than-significant level. In addition, while construction of these improvements is anticipated to occur as the City builds out, there can be no assurance that sufficient funding from all sources would be available by 2008 for Caltrans to construct the improvements. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.4. Traffic generated by Phase A of the Project would increase queues at the southbound approach to the intersection of Kiernan Avenue and Sisk Road. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level, but the measure is not feasible and is therefore not adopted:

- Mitigation Measure D.4. Add second southbound left-turn lane.

**Finding:** Mitigation Measure D.4 is not feasible. The City does not have the jurisdiction to design or construct this improvement, which is under the jurisdiction of Caltrans and Stanislaus County. Caltrans and Stanislaus County are encouraged to pursue the construction of the identified improvement. Therefore, there can be no assurance that this mitigation measure could be constructed prior to 2008. Roadway segment improvements on Kiernan Avenue would require substantial capital contributions from governmental agencies such as Caltrans and the County; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures along Kiernan Avenue, which may also require property acquisition. Any bond measure, traffic impact fee, capital facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects over a number of funding sources could be adopted and imposed by the County or Caltrans at some future time. In its discussions with City planning staff, the Project sponsor has agreed to make a voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for Kiernan Avenue or other regional traffic mitigation, and facilitate possible further private financial participation. However, this voluntary fair share

construction towards the cost of improving traffic flow on Kiernan Avenue or other regional transportation corridors would not mitigate significant existing and future traffic impacts on Kiernan Avenue to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.5. Traffic generated by Phase A of the Project would increase queues on the westbound and northbound approaches, and affect traffic levels of service at the intersection of Kiernan Avenue and Dale Road during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level; however, Mitigation Measures D.5.b and D.5.c are not feasible and are therefore not adopted:

- Mitigation Measure D.5.a. Add a second northbound left turn lane, and provide a storage length of 300 feet for each lane.
- Mitigation Measure D.5.b. Add an eastbound right turn lane and restripe shared through/right lane to through lane.
- Mitigation Measure D.5.c. Add a second westbound left turn lane.

**Finding:** Mitigation Measures D.5.b-c are infeasible. The City does not have the jurisdiction to design or construct Mitigation Measures D.5.b or D.5.c because these legs of the intersection are under the jurisdiction of Stanislaus County and Caltrans. Caltrans and Stanislaus County are encouraged to pursue the construction of the identified improvements. Mitigation Measure D.5.a is adopted, however, implementation of Mitigation Measure D.5.a would only partially mitigate the significant impact at this intersection, and therefore this impact would remain significant and unavoidable. Representatives of the City and project sponsors have been discussing and would continue to discuss with Stanislaus County and Caltrans possible opportunities for the project sponsors to assist in carrying out Mitigation Measures D.5.b and D.5.c to improve the entire intersection.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.6. Traffic generated by Phase A of the Project would increase queues at the northbound approach to the intersection of Dale Road and Technology Drive. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.6.a. Add a second northbound left turn lane, and provide a storage length of 300 feet for each lane.
- Mitigation Measure D.6.b. Add a second northbound through lane.

**Finding:** Implementation of Mitigation Measures D.6.a and D.6.b will accommodate queues on the northbound approach and thereby reduce the impact described above to a less than significant level.

**Potential Impact:** Impact D.7. Traffic generated by Phase A of the Project would increase queues at the northbound approach to the intersection of Dale Road and Kaiser Medical Center Entrance. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.7. Add a second northbound left turn lane and provide a storage length of 300 feet for each lane.

**Finding:** Implementation of Mitigation Measure D.7 will accommodate queues on the northbound approach and thereby reduce the impact described above to a less than significant level.

**Potential Impact:** Impact D.8. Traffic generated by Phase A of the Project would increase delays and affect traffic levels of service at the intersection of Bangs Avenue and American Avenue during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.8. Convert intersection to a side-street STOP-controlled intersection.

**Finding:** Implementation of Mitigation Measure D.8 would improve traffic operating conditions at the location described to LOS B during the p.m. peak hour, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.9. Traffic generated by Phase A of the Project would increase delays and affect traffic levels of service at the intersection of Bangs Avenue and Prescott Road during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and either Mitigation Measures D.9.a and b or D.9.c will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.9.a. Signalize intersection.

- Mitigation Measure D.9.b. Add a westbound left turn lane.
- Mitigation Measure D.9.c. Alternative Mitigation Measure – Convert the intersection to a roundabout.

**Finding:** Implementation of Mitigation Measures D.9.a and D.9.b would improve traffic operating conditions at the location described to LOS B during the a.m. peak hour and LOS D during the p.m. peak hour. Implementation of Mitigation Measure D.9.c would also enable the intersection to operate at LOS A during both the a.m. and p.m. peak hours, and the City is considering this alternative measure. Accordingly, implementation of either alternative would reduce the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.10. Traffic generated by Phase A of the Project would increase delays and affect traffic levels of service at the intersection of Pelandale Avenue and SR 99 Southbound Ramps during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted:

- Mitigation Measure D.10.a. Reconstruct the overpass to provide two eastbound through lanes.
- Mitigation Measure D.10.b. Restripe the southbound approach to provide a left turn lane and a shared left/through/right lane.

**Finding:** Mitigation Measures D.10.a and b are not feasible. The City does not have the jurisdiction to design or construct these improvements to this SR 99 freeway interchange with Pelandale Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvements. Reconstruction of the overpass would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of these measures, to which the Project sponsors would be required to contribute. While construction of these improvements is anticipated to occur as the City builds out, there can be no assurance that sufficient funding from all sources would be available by 2008 for Caltrans to construct the improvements. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.11. Traffic generated by Phase A of the proposed project would increase queues at the eastbound and southbound approaches, and affect traffic

levels of service at the intersection of Pelandale Avenue and Dale Road during the p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.11.a. Add a third southbound through lane at the approach and departure legs of the intersection.
- Mitigation Measure D.11.b. Add a third eastbound through lane at the approach and departure legs of the intersection.
- Mitigation Measure D.11.c. Add a second eastbound left turn lane.
- Mitigation Measure D.11.d. Lengthen the southbound left turn pocket by 150 feet.

**Finding:** Implementation of Mitigation Measures D.11.a-d would improve traffic operating conditions at the location described to LOS D during the p.m. peak hour, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.12. Traffic generated by Phase A of the Project would increase queues at the northbound approach to the intersection of Pelandale Avenue and Prescott Road. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.12. Lengthen the northbound left turn lane by 100 feet.

**Finding:** Implementation of Mitigation Measure D.12 would allow for accommodation of queues at the location described, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.13. Traffic generated by Phase A of the Project would increase queues on the northbound approach and affect traffic levels of service at the intersection of Pelandale Avenue and McHenry Avenue during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.13. Add a second northbound left turn lane.

**Finding:** Mitigation Measure D.13 is not feasible. The City of Modesto does not have the jurisdiction to design or construct this improvement, which would be under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvement. The City has established a CFF program for the cost of this measure, to which the Project sponsors would be required to contribute. While construction of this improvement is anticipated to occur as the City builds out, there can be no assurance that sufficient funding would be available by 2008 for Caltrans to construct the improvement. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.14. Traffic generated by Phase A of the Project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and SR 99 Southbound Ramps during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.14. Widen southbound off-ramp to provide for a second southbound left turn at the approach to the intersection.

**Finding:** Mitigation Measure D.14 is not feasible. The City does not have the jurisdiction to design or construct this improvement to the SR 99 freeway interchange with Standiford Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvement. In addition, interchange improvements would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of this mitigation measure, to which the Project sponsors would be required to contribute. While construction of this improvement is anticipated to occur as the City builds out, there can be no assurance that sufficient funding from all sources would be available by 2008 for Caltrans to construct the improvement. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.15. Traffic generated by Phase A of the Project would increase queues on the westbound approach and affect traffic levels of service at the intersection of Standiford Avenue and SR 99 Northbound Ramps during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.15.a. Widen the eastbound departure to provide for a free northbound right turn lane.
- Mitigation Measure D.15.b. Add a third westbound through lane to the approach and departure legs of the intersection.

**Finding:** Mitigation Measures D.15.a and b are not feasible. The City does not have the jurisdiction to design or construct these improvements to the SR 99 freeway interchange with Standiford Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvements. In addition, interchange improvements would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of these measures, to which the Project sponsors would be required to contribute. While construction of these improvements is anticipated to occur as the City builds out, there can be no assurance that sufficient funding from all sources would be available by 2008 for Caltrans to implement these improvements. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.16. Traffic generated by Phase A of the Project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and Dale Road during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.16.a. Add an exclusive westbound right turn lane. An acceptable alternative to adding a second westbound right turn lane would be converting the existing westbound right-turn lane into a third westbound through lane and creating a new westbound free right turn lane.
- Mitigation Measure D.16.b. Add a third eastbound left turn lane.
- Mitigation Measure D.16.c. Add a third westbound through lane.

- Mitigation Measure D.16.d. Add a third eastbound through lane.
- Mitigation Measure D.16.e. Add a third northbound receiving lane.

**Finding:** Mitigation Measures D.16.a-e are not feasible. The additional eastbound left turn lane in Measure D.16.b is not physically possible to accommodate, as it would require acquisition of private property in an already developed area, significantly impair the operation of existing businesses and reduce the City's economic tax base. The additional third northbound receiving lane in Measure D.16.e is also infeasible and unnecessary, as the only purpose of this lane would be to receive traffic from the additional eastbound left turn lane identified in Measure D.16.b. For the remaining mitigation measures, the City of Modesto has established a CFF program to fund construction of these improvements as the City builds out, to which the project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City does not expect to have sufficient funds available by 2008 to implement the measures that are physically feasible. As a result, the intersection could operate poorly for a substantial period of time. In addition, even if the physically feasible measures were adopted, implementation of these mitigation measures would only partially mitigate the significant impact at this intersection, and therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.17. Traffic generated by Phase A of the Project would increase queues at the westbound approach to the intersection of Standiford Avenue and Sisk Road. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.17. Add a third westbound through lane.

**Finding:** Mitigation Measure D.17 is not feasible. The City of Modesto has established a CFF program to fund construction of this improvement as the City builds out, to which project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City does not expect to have sufficient funding available by 2008 to implement this measure. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.18. Traffic generated by Phase A of the Project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and Prescott Road during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.18. Add a third eastbound through lane to the approach and departure legs of this intersection.

**Finding:** Mitigation Measure D.18 is not feasible. The City has established a CFF program to fund this improvement as the City builds out, to which the Project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City does not expect to have sufficient funding available by 2008 to implement this measure. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.19. Traffic generated by the Project would increase traffic volume demand on the segment of Kiernan Avenue between Salida Boulevard and SR 99 Southbound Ramps, which would approach or exceed the capacity of the segment during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.19. Provide a second eastbound through lane.

**Finding:** Mitigation Measure D.19 is not feasible. The City does not have the jurisdiction to design or construct this improvement on this roadway segment, which is under the jurisdiction of Stanislaus County and Caltrans. Caltrans and the County are encouraged to pursue the construction of the identified improvement. In addition, no funding mechanism has been identified by the County or Caltrans to fund the contemplated improvement and to which the Project sponsors could be required to contribute, and therefore there can be no assurance that sufficient funds would be available by 2008 for the County or Caltrans to construct the improvement. In its discussions with City planning staff, the Project sponsor has agreed to make

an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for the Kiernan Avenue improvements or other regional traffic mitigation, and facilitate possible further private financial participation. However, this voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on Kiernan Avenue to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.20. Traffic generated by the Project would increase traffic volume demand on the segment of Kiernan Avenue between SR 99 Southbound Ramps and SR 99 Northbound Ramps, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.20. Provide a second eastbound through lane.

**Finding:** Mitigation Measure D.20 is not feasible. The City does not have the jurisdiction to design or construct this improvement to the SR 99 freeway interchange with Kiernan Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvement. Reconstruction of the overpass would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of this measure, to which the Project sponsors would be required to contribute. However, an additional bond measure, traffic impact fee, public facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects would need to be adopted and imposed by the County or Caltrans at some future time. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for the Kiernan interchange improvements or other regional traffic mitigation, and facilitate possible further private financial participation. However, this voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on the Kiernan Avenue interchange to a less-than-significant level. In addition, while construction of this improvement is anticipated to occur as the City builds out, there can be no assurance that sufficient funding from all sources would be available by 2008 for Caltrans to construct the improvement. As a result, the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.21. Traffic generated by the Project would increase traffic volume demand on the segment of Pelandale Avenue between SR 99 Northbound Ramps and Sisk Road, which would approach or exceed the capacity of the segment during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.21. Provide a third westbound through lane.

**Finding:** Implementation of Mitigation Measure D.21 would improve traffic operating conditions at the described location to LOS D during the p.m. peak hour, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.22. Traffic generated by the Project would increase traffic volume demand on the segment of Pelandale Avenue between Sisk Road and Costco/Save Mart, which would approach or exceed the capacity of the segment during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.22. Provide a third westbound through lane.

**Finding:** Implementation of Mitigation Measure D.22 would improve traffic operating conditions at the described location to LOS D during the p.m. peak hour, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.23. Traffic generated by the Project would increase traffic volume demand on the segment of Pelandale Avenue between Chapman Road and Dale Road, which would approach or exceed the capacity of the segment during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.23.a. Provide second and third westbound through lanes.
- Mitigation Measure D.23.b. Provide a third eastbound through lane.

**Finding:** Implementation of Mitigation Measures D.23.a and b would improve traffic operating conditions at the described location to an acceptable LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.24. Traffic generated by the Project would increase traffic volume demand on the segment of Standiford Avenue between SR 99 Southbound Ramps and SR 99 Northbound Ramps, which would approach or exceed the capacity of the segment during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.24. Provide a third westbound through lane.

**Finding:** Mitigation Measure D.24 is not feasible. The City does not have the jurisdiction to design or construct this improvement on this roadway segment, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvement. Reconstruction of the interchange would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the interchange, which may also require property acquisition. The City has established a CFF program for its share of the cost of this improvement, to which project sponsors would be required to contribute. However, an additional bond measure, traffic impact fee, public facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects would need to be adopted and imposed by the County or Caltrans at some future time. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for the Kiernan interchange improvements or other regional traffic mitigation, and facilitate possible further private financial participation. However, this voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on the Kiernan Avenue interchange to a less-than-significant level. In addition, while construction of this improvement is anticipated to occur as the City builds out, there can be no assurance that the funding from all sources would be available by 2008 for Caltrans to construct the improvement. As a result, the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.25. Traffic generated by the Project would increase traffic volume demand on the segment of Standiford Avenue between SR 99 Northbound Ramps and Sisk Road, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.25.a. Provide a third westbound through lane.
- Mitigation Measure D.25.b. Provide a third eastbound through lane.

**Finding:** Mitigation Measures D.25.a and b are not feasible. The City does not have the jurisdiction to design or construct these improvements on this roadway segment, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvements. Construction of these interchange improvements would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of the mitigation measures, which may also require property acquisition which would significantly impair existing businesses. The City has established a CFF program for its share of the cost of these improvements, to which project sponsors would be required to contribute. While construction of these improvements is anticipated to occur as the City builds out, there can be no assurance that funding from all sources would be available by 2008 for Caltrans to construct the improvements. As a result, the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.26. Traffic generated by the Project would increase traffic volume demand on the segment of Standiford Avenue between Sisk Road and Dale Road, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.26.a. Provide a third westbound through lane.
- Mitigation Measure D.26.b. Provide a third eastbound through lane.

**Finding:** Mitigation Measures D.26.a and b are not feasible. The City has established a CFF program to fund construction of these improvements as the City builds out, to which project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City does not expect to have sufficient funding available by 2008 to implement these measures. As a result,

the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.27. Traffic generated by the Project would increase traffic volume demand on the segment of Standiford Avenue between Dale Road and Prescott Road, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.27.a. Provide a third westbound through lane.
- Mitigation Measure D.27.b. Provide a third eastbound through lane.

**Finding:** Mitigation Measures D.27.a and b are not feasible. The City has established a CFF program to fund construction of these improvements as the City builds out, to which project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City does not expect to have sufficient funding available by 2008 to implement these measures. As a result, the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.28. Traffic generated by the Project would increase traffic volume demand on the segment of Standiford Avenue between Prescott Road and Tully Road, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.28. Provide a third eastbound through lane.

**Finding:** Mitigation Measure D.28 is not feasible. The City has established a CFF program to fund construction of this improvement as the City builds out, to which Project sponsors would be required to contribute. The City has adopted CFF as a reasonable and

comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City does not expect to have sufficient funding available by 2008 to implement this measure. As a result, the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.29. Traffic generated by the Project would increase traffic volume demand on the segment of Dale Road between Kiernan Avenue and Technology Drive, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.29. Provide a second northbound through lane.

**Finding:** Implementation of Mitigation Measure D.29 would enable the roadway segment at the above-described location to operate at an acceptable level of service of LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.30. Traffic generated by the Project would increase traffic volume demand on the segment of Dale Road between Technology Drive and Kaiser Medical Center Entrance, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.30. Provide a second northbound through lane.

**Finding:** Implementation of Mitigation Measure D.30 would enable the roadway segment at the above-described location to operate at an acceptable level of service of LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.31. Traffic generated by the Project would increase traffic volume demand on the segment of Dale Road between the Kaiser Medical Center Entrance and Bangs Avenue, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.31. Provide a third southbound through lane.

**Finding:** Implementation of Mitigation Measure D.31 would enable the roadway segment at the above-described location to operate at an acceptable level of service of LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.32. Traffic generated by the Project would increase traffic volume demand on the segment of Dale Road between Bangs Avenue and Fleur de Lis Drive, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.32. Provide a third southbound through lane.

**Finding:** Implementation of Mitigation Measure D.32 would enable the roadway segment at the above-described location to operate at an acceptable level of service of LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.33. Traffic generated by the Project would increase traffic volume demand on the segment of Dale Road between Fleur de Lis Drive and Pelandale Avenue, which would approach or exceed the capacity of the segment during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.33. Provide a third southbound through lane.

**Finding:** Implementation of Mitigation Measure D.33 would enable the roadway segment at the above-described location to operate at an acceptable level of service of LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.34. Traffic generated by the Project would increase traffic volume demand on the segment of Dale Road between Snyder Avenue and Standiford Avenue, which would approach or exceed the capacity of the segment during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.34. Provide a third southbound through lane from Veneman Avenue to Standiford Avenue.

**Finding:** Implementation of Mitigation Measure D.34 would enable the roadway segment at the above-described location to operate at an acceptable level of service of LOS D, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.35. Roadway improvements on Dale Road south of the MID Lateral No. 6 would not accommodate the bicycle lane on Dale Road included in the Non-Motorized Transportation Plan. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.35. Provide a northbound and southbound connection to the proposed Class I bicycle path along the north side of the MID Lateral No. 6 irrigation canal in the vicinity of Dale Road and Bangs Avenue.

**Finding:** Mitigation Measure D.35 is not feasible. Measure D.35 is not physically possible to accommodate without the acquisition of private property which would eliminate an existing business and reduce the City's tax base. In addition, no funding mechanism for this measure has been identified to which the project sponsors could be required to contribute and therefore there can be no assurance that sufficient funds would be available by 2008 to construct the improvement. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.36. Traffic generated by the Project would increase traffic volume demand on one freeway segment exceeding the capacity of the system. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would potentially reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would potentially reduce the significance of the impact described above to a less-than-significant level. Although widening of short segments of SR 99 could theoretically mitigate the impact described above, such improvements are not consistent with established principles of freeway design. Such improvements would cause bottlenecks as motorists merged back to the smaller numbers of lanes after the short wider segment. In addition, freeway widening is a regional issue that is implemented based on increases not just in local traffic but also in long-distance travel. Construction of the additional freeway segment would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation

measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.37. Development of the proposed project would significantly impact the operations of one freeway ramp. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would potentially reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would potentially reduce the significance of the impact described above to a less-than-significant level. Although widening of short segments of SR 99 could theoretically mitigate the impact described above, such improvements are not consistent with established principles of freeway design. Such improvements would cause bottlenecks as motorists merged back to the smaller numbers of lanes after the short wider segment. In addition, freeway widening is a regional issue that is implemented based on increases not just in local traffic but also in long-distance travel. Construction of the additional freeway segment would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.38. The design of the Kaiser Modesto Medical Center portion of the project would not provide for adequate pedestrian access and circulation. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.38. Provide additional sidewalks/pedestrian paths between the main entrance and the extension of the driveway from Dale Road.

**Finding:** Implementation of Mitigation Measure D.38 would increase pedestrian access to an acceptable level, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.39. The design of the internal circulation system in the vicinity of the Kaiser Modesto Medical Center Entrance on Dale Road would not provide for sufficient on-site storage capacity and would impact the operations of the signalized intersection of Kaiser Medical Center Entrance and Dale Road. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.39. Revise the site plan to remove the entrances to the parking lots from the main driveway. At the intersection of the main driveway with the internal ring road, install STOP signs for the internal ring road approaches and for the eastbound main driveway approach in order to provide right of way to vehicles entering the Kaiser Medical Center. In addition, adjust the curb radii to allow for 15 mph travel speeds for vehicles entering the Kaiser Medical Center and turning right onto the internal ring road.

**Finding:** Implementation of Mitigation Measure D.39 would change the internal circulation system such that sufficient on-site storage capacity is provided, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.40. Traffic generated by Phase B of the Project would increase queues at the eastbound approach to the intersection of Kiernan Avenue and Salida Boulevard. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.40. Add a second eastbound through lane.

**Finding:** Mitigation Measure D.40 is not feasible. The City does not have the jurisdiction to design or construct this improvement, which would be under the jurisdiction of the County and Caltrans. Caltrans and Stanislaus County are encouraged to pursue the construction of the identified improvement. In addition, no funding mechanism has been identified by the County or Caltrans to fund the contemplated improvement and to which the Project sponsors could be required to contribute, and therefore there can be no assurance that sufficient funds would be available by 2008 for the County or Caltrans to construct the improvement. In addition, roadway segment improvements on Kiernan Avenue would require substantial capital contributions from governmental agencies such as the County and/or Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures along Kiernan Avenue, which may also require property acquisition. Any bond measure, traffic impact fee, capital facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects over a number of funding sources could be adopted and imposed by the County or Caltrans at some future time. In

its discussions with City planning staff, the Project sponsor has agreed to make a voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for Kiernan Avenue or other regional traffic mitigation, and facilitate possible further private financial participation. However, this voluntary fair share construction towards the cost of improving traffic flow on Kiernan Avenue or other regional transportation corridors would not mitigate significant existing and future traffic impacts on Kiernan Avenue to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.41. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Kiernan Avenue and SR 99 Southbound Ramps during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.41. Add an eastbound right-turn lane.

**Finding:** Mitigation Measure D.41 is not feasible. The City does not have the jurisdiction to design or construct this improvement to the SR 99 freeway interchange with Kiernan Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvement. Construction of this interchange improvement would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of this measure, to which the Project sponsors would be required to contribute. However, an additional bond measure, traffic impact fee, public facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects would need to be adopted and imposed by the County or Caltrans at some future time. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for the Kiernan interchange improvements or other regional traffic mitigation, and facilitate possible further private financial participation. This voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on the Kiernan Avenue/Highway 99 interchange to a less-than-significant level. In addition, while construction of this improvement is anticipated to occur as the City builds out, there can be no assurance that sufficient funds would be available by 2013 for Caltrans to construct the improvement. As a result, the intersection could continue to operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.42. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Kiernan Avenue and SR 99 Northbound Ramps during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.42. Add a westbound right-turn lane.

**Finding:** Mitigation Measure D.42 is not feasible. The City does not have the jurisdiction to design or construct this improvement to the SF 99 freeway interchange with Kiernan Avenue, which is under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvement. Reconstruction of the interchange would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. The City has established a CFF program for its share of the cost of this measure, to which the project sponsors would be required to contribute. However, an additional bond measure, traffic impact fee, public facility fee, or similar program that seeks to mitigate impacts of this nature by spreading the cost for major transportation projects would need to be adopted and imposed by the County or Caltrans at some future time. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for the Kiernan interchange improvements or other regional traffic mitigation, and facilitate possible further private financial participation. This voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on the Kiernan Avenue/Highway 99 interchange to a less-than-significant level. In addition, while construction of this improvement is anticipated to occur as the City builds out, there can be no assurance that sufficient funds would be available by 2013 for Caltrans to construct the improvement. As a result, the intersection could continue to operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.43. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Kiernan Avenue and Sisk Road during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.43.a. Add a westbound right turn lane, and convert through/right lane to through lane.
- Mitigation Measure D.43.b. Add a southbound right turn lane, and convert through/right lane to through lane.

**Finding:** Mitigation Measures D.43.a and b are not feasible. The City of Modesto does not have the jurisdiction to design or construct these improvements, which are under the jurisdiction of Stanislaus County. In addition, no funding mechanism has been identified by the County to fund the contemplated improvements and to which the Project sponsors could be required to contribute, and therefore there can be no assurance that sufficient funds would be available by 2008 for the County to construct the improvements. Such a measure can and should be adopted by Stanislaus County. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state and federal funding for improvements along Kiernan Avenue or other regional traffic mitigation, facilitate possible further private financial participation, and which should provide funding for the improvements if dedicated by the County to this mitigation measure. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.44. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Kiernan Avenue and Dale Road during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but Mitigation Measures D.44.b-c are not feasible and are therefore not adopted.

- Mitigation Measure D.44.a. Add northbound right turn lane on Dale Road.
- Mitigation Measure D.44.b. Add a third eastbound through lane.
- Mitigation Measure D.44.c. Revise signal phasing to provide overlap phase.

**Finding:** Mitigation Measures D.44.b-c are not feasible, because the City does not have the jurisdiction to design and construct these improvements, which are under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified

improvements. In addition, no funding mechanism has been identified by Caltrans to fund the contemplated improvements contemplated by D.44b.-c. and to which the Project sponsors could be required to contribute, and therefore there can be no assurance that sufficient funds would be available by 2008 for Caltrans to construct the improvements. Mitigation Measure D.44.a is adopted, however, implementation of Mitigation Measure D.44.a would only partially mitigate the significant impact at this intersection, and therefore this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.45. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Dale Road and Technology Drive during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.45. Add a southbound right turn lane, and revise signal phasing to provide overlap phase.

**Finding:** Implementation of Mitigation Measure D.45 would improve traffic conditions at the above-described location to LOS C during the p.m. peak period, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.46. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Dale Road and Kaiser Medical Center Entrance during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.46.a. Extend the northbound left turn lane to provide 340 feet of storage capacity.
- Mitigation Measure D.46.b. Allow for free eastbound right turn movement from the Kaiser Medical Center Entrance onto Dale Road southbound.

**Finding:** Implementation of Mitigation Measures D.46.a and b would improve traffic operating conditions at the above-described location to LOS C during the p.m. peak hour, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.47. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Dale Road and Bangs Avenue during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level. Mitigation Measures D.47.a., D.47 b. and D.47.c. are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program. Mitigation Measure D.47.d (Alternative Mitigation Measure to D.47.a) is not feasible and therefore is not adopted:

- Mitigation Measure D.47.a. Convert the roundabout to a signalized intersection having the following configuration: on southbound approach – two left turn lanes, two through lanes, and one shared through/right lane; on westbound approach – two left turn lanes, one right turn lane; on northbound approach – two through lanes and one right turn lane; and on eastbound approach – one or two right turn lanes (depending on signal phasing).
- Mitigation Measure D.47.b. Restrict the Kaiser driveway (west) leg of the intersection to right-turn-in and right-turn-out access.
- Mitigation Measure D.47.c. Add a second eastbound receiving lane on Bangs Avenue.
- Mitigation Measure D.47.d. (Alternative Mitigation Measure to D.47.a) Extend Technology Drive west to Quinturn Lane and Chapman Road, and Chapman Road over the MID Lateral No. 6.

**Finding:** Implementation of Mitigation Measures D.47.a-c would improve traffic operating conditions at the above-described location to LOS C during the p.m. peak hour. Implementation of alternative Mitigation Measure D.47.d would also improve traffic operating conditions at the above-described location to an acceptable level. However, Mitigation Measure D.47.d. is not feasible as it would require significant acquisition of right-of-way, design and construction for roadway improvements in an area outside of City limits and City's sphere of influence. The City does not have jurisdiction to design or construct these improvements, which are under the jurisdiction of Stanislaus County. In addition, no funding mechanism has been identified by the County to fund the contemplated improvements and to which the Project sponsors could be required to contribute, and therefore there can be no assurance that sufficient funds would be available by 2008 for the County to construct the improvements. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting state, federal and local funding for regional traffic mitigation, and facilitate possible further private financial participation. This voluntary fair share contribution alone would not be sufficient to mitigate significant existing and future traffic impacts to a less-than-significant level. Therefore, Mitigation Measure D.47.d is rejected as infeasible. However, adoption of alternative Mitigation

Measures D.47.a, D.47.b. and D.47.b would reduce the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.48. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Bangs Avenue and American Avenue during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.48.a. Signalize intersection.
- Mitigation Measure D.48.b. (Alternative Mitigation Measure) Construct a roundabout at the intersection.

**Finding:** Implementation of Mitigation Measure D.48.a would improve traffic operating conditions at the above-described location to LOS C during the p.m. peak hour. Implementation of alternative Mitigation Measure D.48.b would also improve traffic operating conditions at the above-described location to LOS A during both the a.m. and p.m. peak hours. Accordingly, implementation of either alternative would reduce the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.49. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Bangs Avenue and Prescott Road during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.49.a. Signalize intersection.
- Mitigation Measure D.49.b. Add a westbound left turn lane.
- Mitigation Measure D.49.c. (Alternative Mitigation Measure) Construct a roundabout at the intersection.

**Finding:** Implementation of Mitigation Measures D.49.a-b would improve traffic operating conditions at the above-described location to LOS D during the p.m. peak hour. Implementation of alternative Mitigation Measure D.48.c would also improve traffic operating conditions at the above-described location to LOS A during the a.m. peak hour and LOS C during the p.m. peak hour. Accordingly, implementation of either alternative would reduce the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.50. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Pelandale Avenue and Dale Road during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the Mitigation Measure D.50.a is not feasible and is therefore not adopted.

- Mitigation Measure D.50.a. Add second eastbound right turn lane.
- Mitigation Measure D.50.b. Add second westbound left turn lane.
- Mitigation Measure D.50.c. Add third westbound through lane.

**Finding:** Mitigation Measure D.50.a is not feasible. The improvement contemplated by Mitigation Measure D.50.a would be physically impossible to accommodate without substantial acquisition of private property and existing parking structures, which would significantly impair the continued operation of an existing multi-family residential complex. Mitigation Measures D.50.b and D.50.c are adopted, however, implementation of Mitigation Measures D.50.b and D.50.c alone would only partially mitigate the significant impact at this intersection, and therefore this impact would remain significant and unavoidable. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.51. Traffic generated by Phase B of the proposed project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and SR 99 Northbound Ramps during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.51.a. Widen the eastbound departure leg of the intersection to provide for a free northbound right turn lane.
- Mitigation Measure D.51.b. Add a third westbound through lane to the approach and departure legs of this intersection.

**Finding:** Mitigation Measures D.51.a and b are not feasible. The City does not have the jurisdiction to design or construct these improvements to the SR 99 freeway interchange with Standiford Avenue, which are under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the construction of the identified improvements. Reconstruction of the interchange would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of the mitigation measures, which may also require property acquisition which would significantly impair existing businesses. The City has established a CFF program for its share of

the cost of these improvements, to which the Project sponsors would be required to contribute; however, it cannot be assured that sufficient fund from all sources would be available by 2013 for Caltrans to implement these improvements. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.52. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and Sisk Road during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.52. Add a third westbound through lane.

**Finding:** Mitigation Measure D.52 is not feasible. The City has established a CFF program to fund construction of this improvement as the City builds out, to which project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, the City cannot assure that it will have sufficient funding available by 2013 to implement this measure. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.53. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and Dale Road during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.53.a. Same as Mitigation Measure D.16.b.
- Mitigation Measure D.53.b. Add a third northbound receiving lane.

**Finding:** Mitigation Measures D.53.a and b are not feasible. Measure D.53.a is not physically possible to accommodate without the acquisition of private property which would

significantly impair the operation of existing businesses and reduce the City's tax base. With respect to Measure D.53.b, the City has established a CFF program to fund construction of this improvement as the City builds out, to which the Project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, adequate funding to complete the improvement by 2013 cannot be assured. As a result, the intersection could operate poorly for a substantial period of time. In addition, even if the physically feasible measure was adopted, implementation of this mitigation measure would only partially mitigate the significant impact at this intersection, and therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.54. Traffic generated by Phase B of the Project would increase delays and affect traffic levels of service at the intersection of Standiford Avenue and Prescott Road during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.54.a. Add a second northbound left turn lane.
- Mitigation Measure D.54.b. Add a second southbound left turn lane.
- Mitigation Measure D.54.c. Add a second eastbound left turn lane.
- Mitigation Measure D.54.d. Add a second westbound left turn lane.

**Finding:** Mitigation Measures D.54.a-d are not feasible. The City has established a CFF program to fund construction of these improvements as the City builds out, to which project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, it cannot be assured that the City would have sufficient funds available by 2013 to implement these measures. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.55. Traffic generated by Phase B of the Project would result in traffic volumes on Pelandale Avenue between Dale Road and Prescott Road to

approach or exceed the capacity on roadway segments during the p.m. peak hour. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure D.55. Provide a third eastbound through lane.

**Finding:** Mitigation Measure D.55 is not feasible. The City has established a CFF program to fund construction of this improvement as the City builds out, to which Project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, it cannot be assured that the City would have sufficient funds available by 2013 to implement the measure. As a result, the intersection could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.56. Traffic generated by Phase B of the Project would result in traffic volumes on Dale Road between Snyder Avenue and Standiford Avenue to approach or exceed the capacity on roadway segments during the a.m. and p.m. peak hours. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.56.a. Provide a third northbound through lane.
- Mitigation Measure D.56.b. Provide third and fourth southbound through lanes.

**Finding:** Mitigation Measures D.56.a and b are not feasible. It would not be physically possible to accommodate the fourth southbound through lane called for in Measure D.56.b, as it would require substantial acquisition of existing private residential property which would result in the elimination of front yard setbacks and unsafe conditions. The City has established a CFF program that could fund construction of the contemplated improvements as the City builds out, to which Project sponsors would be required to contribute. The City has adopted CFF as a reasonable and comprehensive program to mitigate the impacts of new development through the imposition of proportionate and fair share impact fees to ensure that the mitigation of impacts caused by new development is achieved in an equitable manner. However, it cannot be assured that the City would have funding available by 2013 to implement these

measures. As a result, the roadway segment could operate poorly for a substantial period of time. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.57. Two of the Kaiser Medical Center driveways would have insufficient capacity to accommodate the projected traffic volumes. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.57.a. Dale Road and Kaiser Medical Center Entrance. Same as Mitigation Measures D.46.a and D.46.b.
- Mitigation Measure D.57.b. Dale Road and Bangs Avenue. Same as Mitigation Measures D.47.a and D.47.b.
- Mitigation Measure D.57.c. (alternative mitigation measure) Dale Road and Bangs Avenue. Same as Mitigation Measure D.47.c.

**Finding:** Implementation of Mitigation Measures D.57.a and b would consist of internal site refinements that would increase capacity to accommodate the projected traffic volumes. Alternative Mitigation Measure D.57.c would divert a sufficient number of vehicles from the roundabout to result in acceptable operating conditions. Either option would reduce the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.58. A temporary parking shortage would occur on the Kaiser Medical Center portion of the Project during construction of the hospital expansion and parking structures. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.58. Prepare a Construction Parking Management Plan for the Kaiser Medical Center which will ensure that measures are taken to prevent temporary parking shortages.

**Finding:** Implementation of Mitigation Measure D.58 would ensure that measures are taken to prevent temporary parking shortages, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.59. The Project would cause additional roadway segments to operate at unacceptable levels of service E or F along Kiernan Avenue between Dale Road and Prescott Road. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measures are not feasible and are therefore not adopted.

- Mitigation Measure D.59.a. Kiernan Avenue between Dale Road and American Avenue. Add fourth eastbound and fourth westbound through lanes for a total of eight lanes.
- Mitigation Measure D.59.b. Kiernan Avenue between American Avenue and Prescott Road. Add fourth eastbound and fourth westbound through lanes for a total of eight lanes.

**Finding:** Mitigation Measures D.59.a and b are not feasible. Kiernan Avenue is outside the City's Sphere of Influence, and is under the jurisdiction of Caltrans and Stanislaus County. Eight lanes on Kiernan Avenue is inconsistent with Caltrans' current plans for the SR219 widening project and the City's General Plan, both of which call for a six-lane facility. Caltrans and Stanislaus County are encouraged to pursue the construction of the identified improvements. No funding mechanism has been identified by the County or Caltrans to fund the contemplated improvements to which the Project applicant could be required to contribute. Construction of an additional lane on Kiernan would require substantial capital contributions from governmental agencies such as Caltrans; it is not feasible to impose such mitigation measures on a single developer/applicant. Nor is it likely that a fair share contribution by any single developer would have a significant impact on the overall cost of mitigation measures to the overpass, which may also require property acquisition. In its discussions with City planning staff, the Project sponsor has agreed to make an additional voluntary financial contribution that is intended to encourage private participation by retail, commercial and other developers in developing a plan for augmenting local, state and federal funding for improvements to Kiernan Avenue or other regional traffic mitigation, and facilitate possible further private financial participation. This voluntary fair share contribution alone would not mitigate significant existing and future traffic impacts on this segment of Kiernan Avenue to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.60. The Project would cause additional roadway segments to operate at unacceptable levels of service LOS E or LOS F along Pelandale Avenue between Sisk Road and Chapman Road, and between Prescott Road and Carver Road. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level. Although widening Pelandale to 10 travel lanes could theoretically mitigate the impact described above to a less-than-significant level, the proposed lane configuration would make the roadway wider than most freeways (6 to 8 lanes) and is inconsistent with the City's adopted General Plan. Not only would relatively new existing buildings need to be acquired and demolished, at significant cost and with the resulting loss of tax base, but the roadway would also no longer be a local expressway, as designated in the Modesto Urban Area General Plan. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.61. The proposed project would cause additional roadway segments to operate at unacceptable LOS E or LOS F along Standiford Avenue between Dale Road and Prescott Road. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level. Therefore this impact would remain significant and unavoidable. In order to mitigate this impact, this roadway segment would need to be widened to a total of eight lanes, with extensive widening and expansion of the intersection in order for the segment to operate properly. This would require substantial acquisition of fully-developed residential and commercial properties, significantly impair the operation of several existing business and, in some cases, result in removal and/or relocation of buildings and businesses, with the resulting loss of tax base. This roadway configuration is not consistent with City standards and the General Plan, and no funding mechanism has been identified to implement such extensive improvements.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.62. The Project would cause additional roadway segments to operate at unacceptable levels of service LOS E or LOS F along Dale Road between Kiernan Avenue and Technology Drive. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.62.a. Provide a third northbound through lane.
- Mitigation Measure D.62.b. Provide a third southbound through lane.

**Finding:** Implementation of Mitigation Measures D.62.a and b would improve traffic at the above-referenced locations of acceptable levels of service, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.63. The Project would cause the segment of Dale Road between Kaiser Medical Center entrance and Bangs Avenue to operate at unacceptable levels of service. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.63. Provide a third northbound through lane.

**Finding:** Implementation of Mitigation Measure D.63 would improve the traffic operating conditions at the above-referenced location to LOS D or better, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.64. The Project would cause additional roadway segments to operate at unacceptable levels of service LOS E or LOS F along Dale Road between Bangs Avenue and Pelandale Avenue. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.64. Provide a third northbound through lane.

**Finding:** Implementation of Mitigation Measure D.64 would improve traffic operating conditions at the above-referenced location to LOS D or better, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.65. The Project would cause additional roadway segments to operate at unacceptable LOS E or LOS F along Prescott Road between Pelandale Avenue and Standiford Avenue. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level. Therefore this impact would remain significant and unavoidable. Prescott Road between Pelandale and Standiford is fully developed, with no land available for additional lanes in each direction. Although widening of this segment of roadway could theoretically mitigate the impact described above, such improvement would require substantial acquisition of private property, including potential demolition of fairly new single family homes and portions of a newer multi-family complex to accommodate the resulting changes to the roadway and corresponding intersections,

with the resulting loss of tax base. In addition, no funding mechanism has been identified by any private or governmental agency to implement such a plan.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.66. The Project would result in significant impacts at the intersections of Kiernan/SR 99 Northbound Ramps and Pelandale Avenue/Dale Road. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level. Therefore this impact would remain significant and unavoidable. In order to mitigate this impact, the intersection of Kiernan with SR 99 Northbound Ramps would theoretically require 7 lanes on Kiernan and at least 3 lanes on the ramp to operate at LOS D or better in 2025. This would require acquisition of fully-developed property and significantly impair the operation of numerous existing businesses, with the resulting loss of tax base. The intersection of Pelandale and Dale would theoretically require 18 lanes on Pelandale and 14 lanes on Dale and would still theoretically operate at LOS E in 2025. Roadways constructed with this number of lanes would require major property acquisition, are not consistent with City, County or Caltrans standards and would result in inefficient operation. In addition, no funding mechanism has been identified by any private or governmental agency to implement such a plan.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.67. The Project would result in significant impacts at the intersections of Kiernan Avenue/Quinturn Lane and Kiernan Avenue/Dale Road. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. The intersection of Kiernan and Quinturn would theoretically require 15 lanes on Kiernan and 11 lanes on Quinturn to theoretically operate at LOS D in 2025. The intersection of Kiernan and Dale would theoretically require 18 lanes on Kiernan and 13 or 14 lanes on Dale and would still operate at LOS E in the p.m. peak hour in 2025. Roadways constructed with this number of lanes would require major property acquisition, are not consistent with City, County or Caltrans standards and would result in inefficient operation. In addition, no funding mechanism has been identified by any private or governmental agency to implement such a plan.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact D.68. The Project would result in significant impacts at the intersection of Dale Road and Technology Drive during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.68.a. Same as Mitigation Measure D.45.
- Mitigation Measure D.68.b. Provide a northbound right turn lane and restripe shared through/right lane to a through lane.
- Mitigation Measure D.68.c. Provide a third southbound through lane.
- Mitigation Measure D.68.d. Provide a second eastbound right turn lane and second left turn lane.
- Mitigation Measure D.68.e. Provide a westbound right turn lane and restripe shared through/right lane to a through lane.

**Finding:** Implementation of Mitigation Measures D.68.a-e would ensure that the intersection operates at an acceptable level of service, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.69. The Project would result in significant impacts at the intersection of Dale Road and Kaiser Medical Center Entrance during the p.m. peak hour. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.69.a. Same as Mitigation Measure D.46.a.
- Mitigation Measure D.69.b. Provide a third northbound through lane.
- Mitigation Measure D.69.c. Provide a southbound right turn lane and restripe the shared through/right lane to a through lane.
- Mitigation Measure D.69.d. Provide a second eastbound right turn lane and second left turn lane.

**Finding:** Implementation of Mitigation Measures D.69.a-d would ensure that the intersection operates at an acceptable level of service, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.70. The Project would result in significant impacts at the intersection of Dale Road and Bangs Avenue during the a.m. and p.m. peak hours. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.70.a. Same as Mitigation Measures D.47.a, D.47.b, D.47.c, and D.47.d.
- Mitigation Measure D.70.b. Provide a third northbound through lane.

**Finding:** Implementation of Mitigation Measures D.70.a and b would ensure that the intersection operates at an acceptable level of service, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.71. The design of the Kaiser Medical Center Driveway onto Technology Drive would have insufficient capacity to accommodate the projected traffic volumes. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.71. Signalize the intersection of Western Driveway II and Technology Drive.

**Finding:** Implementation of Mitigation Measure D.71 would improve operating conditions at this intersection to acceptable levels, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact D.72. Under Phase C, a temporary parking shortage would occur on the Kaiser Medical Center portion of the proposed project during construction of the final phases. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure D.72. Prepare a construction Parking Management Plan for Kaiser Medical Center to ensure that measures are taken to prevent temporary parking shortages.

**Finding:** Implementation of Mitigation Measure D.72 would ensure that measures are taken to prevent temporary parking shortages, thereby reducing the impact described above to a less-than-significant level.

## V. AIR QUALITY

**Potential Impact:** Impact E.1. Emissions of criteria pollutants during Project construction would contribute to existing violations of the ambient air quality standards in the region. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure E.1. Implementation of air district recommendations to minimize emissions during construction phases.

**Finding:** Implementation of Mitigation Measure E.1 would reduce impacts of construction-related PM10 and impact of ozone precursors from construction equipment exhaust, but not to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact E.2. Emissions of criteria pollutants during Project operation would contribute to existing violations of the ambient air quality standards in the region. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure E.2.a. Implementation of design features to reduce emissions from motor vehicle activity.
- Mitigation Measure E.2.b. Development and implementation of an approved trip reduction plan to reduce emissions from motor vehicle activity.
- Mitigation Measure E.2.c. Implementation of site design features to reduce emissions from energy consumption.

**Finding:** Implementation of Mitigation Measures E.2.a-c would reduce impacts related to energy consumption and motor vehicle emissions, but not to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact E.3. Motor vehicle emissions would locally contribute to elevated concentrations of carbon monoxide. (Less than Significant)

**Mitigation:** No mitigation is necessary.

**Finding:** Based on the study reported in the FEIR, implementation of the Project would not contribute significantly to locally elevated concentrations of CO. Accordingly, Impact E.3 is less than significant, and no mitigation is necessary.

**Potential Impact:** Impact E.4. Emissions during project operation would cause sensitive receptors to be exposed to toxic air contaminants. (Less than Significant)

**Mitigation:** No mitigation is necessary.

**Finding:** Measures that will be utilized by the medical center to handle toxic air contaminants will ensure that emissions will be diluted or otherwise contained such that the Project would not be likely to cause substantial health risks. Accordingly, Impact E.4 is less than significant, and no mitigation is necessary.

**Potential Impact:** Impact E.5. Emissions of objectionable odors could occur during project operation. (Less than Significant)

**Mitigation:** No mitigation is necessary.

**Finding:** Measures that will be utilized by the medical center to handle chemicals and processes that generate objectionable odors will ensure that such odors will be diluted or otherwise deodorized such that the Project would not be likely to emit objectionable odors that will be detectable off-site. Accordingly, Impact E.5 is less than significant, and no mitigation is necessary.

**Potential Impact:** Impact E.6. The project would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure E.6. See mitigation measures listed under Impact E.2.

**Finding:** Implementation of Mitigation Measures E.2.a-c would reduce Project-related cumulative impacts related to mobile source activity and associated regional emissions,

but not to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact E.7. The Project, including annexation of the proposed parcels to the City of Modesto and changes to adopted community plans, could conflict with or obstruct implementation of the ozone and PM<sub>10</sub> attainment plans. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure E.7. See mitigation measures listed under Impact E.2.

**Finding:** Implementation of Mitigation Measures E.2.a-c would reduce Project-related cumulative impacts related to conflicts with attainment plans, but not to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

## VI. NOISE

**Potential Impact:** Impact F.1. Project-related construction could cause substantial, though intermittent and short-term, increases in noise levels. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure F.1. Protection of sensitive receptors from excessive construction noise.

**Finding:** Implementation of Mitigation Measure F.1 would ensure implementation of several noise reduction practices during construction, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact F.2. Increased traffic could cause substantial noise increases for existing sensitive receptors in the project vicinity. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level; however, Mitigation Measure F.2.a is not feasible and is therefore not adopted:

- Mitigation Measure F.2.a. Design and implementation of new barriers for noise control at residences on Dale Road.
- Mitigation Measure F.2.b. Implementation of traffic control features to reduce traffic-related noise on Dale Road.

**Finding:** Mitigation Measures F.2.a is infeasible. The area subject to this impact has been annexed into Modesto and is located in the Kiernan Specific Plan area. There are relatively few residences along the east side of Dale Road in the vicinity of the Project Site that would be subject to excessive traffic noise levels; these properties are designated for Business Park development and therefore would be expected to be replaced with less noise-sensitive uses in the relatively near future. Additionally, a sound wall or high (6 feet or more) berm would have negative aesthetic effects, as noted on EIR p. IV.F.10. Mitigation Measure F.2.b is adopted, however, implementation of Mitigation Measure F.2.b would only partially mitigate the significant noise impact, and therefore this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact F.3. Ambulance traffic to the new hospital could cause substantial noise increases for existing sensitive receptors in the project vicinity. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure F.3.a. Implementation of programs to minimize adverse noise from ambulance traffic, including requiring ambulances to travel with sirens off when accessing the medical center from the south on Dale Road or Chapman Road between Pelandale Avenue and the emergency room, and including a requirement that ambulance drivers use Highway 99 and Kiernan Avenue for access to Kaiser when feasible.
- Mitigation Measure F.3.b. Evaluation and implementation of programs to minimize adverse noise from ambulance traffic, including evaluation after 6 months of operation of the emergency department to determine whether noise from sirens has resulted in adverse impacts, and additional

measures such as changes to typical travel routes shall be established following a publicly noticed meeting.

**Finding:** Implementation of Mitigation Measures F.3.a and b would reduce the use of ambulance sirens in the vicinity of the medical center and discourage use of noise-sensitive routes in the vicinity of the medical center, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact F.4. Helicopter noise associated with the use of the medical center could generate noise levels incompatible with the City's ordinance or goals for the surroundings. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Given the infrequency of the anticipated number of helicopter flights associated with the medical center, the average noise level will be acceptable. The proposed flight paths avoid residential areas which will further reduce any noise impacts. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact F.5. New stationary sources of noise associated with the proposed project could generate noise levels incompatible with the City's ordinance or goals for the surroundings. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The infrequency of the loud noises described in Impact F.5, together with the site features that minimize the impact of such noise on residences, will substantially eliminate any adverse effects. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact F.6. Use of the medical center by patients would introduce new noise-sensitive receptors to the project area. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure F.6. Implementation of appropriate noise attenuation measures in proposed hospital facilities.

**Finding:** Implementation of Mitigation Measure F.6 would ensure that patients are not exposed to noise levels exceeding an average of 45 dBA, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact F.7. Cumulative development could lead to noise conflicts between incompatible land uses. (Significant and Unavoidable)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less than significant level; however, Mitigation Measure F.2.a is not feasible and is therefore not adopted:

- Mitigation Measure F.7. See mitigation measures for Impact F.2.a-b.

**Finding:** Mitigation Measures F.2.a is infeasible. The area subject to this impact has been annexed into Modesto and is located in the Kiernan Specific Plan area. There are relatively few residences along the east side of Dale Road in the vicinity of the Project Site that would be subject to excessive traffic noise levels; these properties are designated for Business Park development and therefore would be expected to be replaced with less noise-sensitive uses in the relatively near future. Additionally, a sound wall or high (6 feet or more) berm would have negative aesthetic effects, as noted on EIR p. IV.F.10. Mitigation Measure F.2.b is adopted, however, implementation of Mitigation Measure F.2.b would only partially mitigate the significant noise impact, and therefore the project contribution to significant cumulative impacts would be reduced, but not to less-than-significant levels. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

## VII. HAZARDS

**Potential Impact:** Impact G.1. Infectious, radioactive, and hazardous materials use, storage, and transportation and the risk of accidents would cause potential hazards to the public and environment. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Required control measures will minimize the risk of handling, storing and disposing of infectious materials, radioactive materials and hazardous materials. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact G.2. Regulated medical waste generation and treatment and disposal of waste after treatment would cause potential hazards to the public and environment. (Less than Significant after Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure G.2. Proper disposal of medical waste.

**Finding:** Implementation of Mitigation Measure G.2 would establish appropriate procedures for handling, treatment and off-site shipment of medical waste, thereby minimizing potential hazards and reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact G.3. Radioactive waste storage would cause potential hazards to the public and environment. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Given the medical center is unlikely to generate radioactive waste for off-site disposal, the impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact G.4. Hazardous chemical waste treatment and disposal would cause potential hazards to the public and environment. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The medical center will, like all hazardous waste generators, certify that it makes a good faith effort to minimize its waste and to select the best waste management method available. Accordingly, generation of hazardous waste by the medical center will have little observable effect on the levels of existing hazards that waste disposal poses to the public. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact G.5. The proposed project would cause members of the public to be exposed to magnetic fields. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The medical center's MRI equipment would be located in a specially designed facility to shield the surrounding environment from magnetic fields and exclude access of the general public. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact G.6. The project would involve increased use and transport of infectious, radioactive, and hazardous materials and wastes in California. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Use and storage of infectious, radioactive, and hazardous materials related to the Project would be localized and in quantities small enough that interaction with materials used and stored at the sites of other development in the Modesto area would be extremely unlikely. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact G.7. The project would involve increased generation of medical and hazardous waste in California. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The increased generation of medical and hazardous waste resulting from the project is not considered to be cumulatively considerable, and in any case would be commensurate with the demand in the region for health care services regardless of health care provider. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

## VIII. BIOLOGICAL RESOURCES

**Potential Impact:** Impact H.1. Implementation of the Kaiser Modesto Medical Center project would directly affect the Swainson's Hawk through the loss of foraging habitat. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Development of the Project site and loss of the existing agricultural habitats would not significantly affect Swainson's Hawks through the direct reduction of nesting or foraging habitat. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact H.2. Implementation of the Kaiser Modesto Medical Center project could indirectly affect the Swainson's Hawk through the loss of foraging habitat. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The Project would not result in the fragmentation or isolation of undeveloped habitat from larger areas of contiguous habitat because the foraging habitat on the project site is currently isolated and the remaining habitats for Swainson's Hawks are expected to have the same biological values as those prevailing before development. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact H.3. Implementation of the Kaiser Modesto Medical Center project could cumulatively affect the Swainson's Hawk through the loss of foraging habitat. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The Project is a disjunct parcel of habitat, barely within the ten-mile foraging radius of the nearest nest, that is very unlikely to be used for foraging. Therefore, the Project would not contribute to cumulative loss of Swainson's Hawk foraging habitat. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

## IX. HYDROLOGY AND WATER QUALITY

**Potential Impact:** Impact I.1. Development of the project could result in reduced groundwater recharge and/or increased flooding hazards at or in the vicinity of the project site. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure I.1.a. The project sponsor shall design appropriate retention facilities, if necessary.
- Mitigation Measure I.1.b. Maintenance of retention facilities.

**Finding:** Implementation of Mitigation Measures I.1.a and b would provide for the construction and maintenance of adequate storm water collection and retention facilities, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact I.2. Development of the Project could result in reduced groundwater quality due to potential releases and infiltration of hazardous materials into the subsurface. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measures, as set forth in the FEIR, are hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure I.2.a. Appropriate design of retention facilities.
- Mitigation Measure I.2.b. Pollutant source control.

**Finding:** Implementation of Mitigation Measures I.2.a and b would ensure construction of appropriately designed retention facilities and implementation of best management practices, thereby reducing the impact described above to a less-than-significant level.

**Potential Impact:** Impact I.3. Existing water supply wells at the project area, if not properly managed or decommissioned, could be damaged during construction, potentially allowing impacts to groundwater quality. (Less than Significant with Mitigation)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure I.3. Proper well abandonment.

**Finding:** Implementation of Mitigation Measure I.3 would ensure inspection and, if appropriate, abandonment of any water wells on the Project site, thereby reducing the impact described above to a less-than-significant level.

## X. COMMUNITY SERVICES

**Potential Impact:** Impact J.1. Development of the proposed Kaiser Modesto Medical Center / Cornerstone Business Park project would result in an increased demand for Modesto Police Department officer hours due to the potential for increased on-site criminal activity and increased number of traffic incidents near the site. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Training of medical center staff will minimize police calls. The projected number of calls will require some additional police services, but would not result in the need for the expansion of any police facilities. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact J.2. Development of the Project would result in an increased demand for California Highway Patrol officer hours due to the potential for increased number of traffic incidents near the site. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The changes to the different roadways as a result of the Project are based on constant growth scenarios, and the traffic changes would not require the CHP to expand existing facilities or build new police-related infrastructure. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact J.3. Development of the Project would result in an increase in call volumes. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Although development of the Project would lead to an incrementally higher volume of fire-related emergency calls, it would not result in the need for the expansion of any new fire protection-related infrastructure. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact J.4. Development of the Project with building heights over three stories could result in insufficient water pressure for fire fighting. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Medical center buildings that exceed three stories have been designed with fire pumps. These pumps and the proposed construction of a 10-inch fire service pipe line would provide adequate waterflow and pressure for the proper operation of automatic fire sprinklers as well as other multi-story fire-fighting operations. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

## XI. UTILITIES AND SERVICES SYSTEMS

**Potential Impact:** Impact K.1. Development of the Project would result in an increased demand for wastewater treatment and disposal. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Wastewater flows from the Project would not exceed the available capacity of wastewater treatment facilities. Similarly, effluent discharges from the Project can be accommodated at existing and planned discharge locations. Radioactive waste discharged by patients into the wastewater treatment system would be virtually undetectable by the time it reaches the treatment plant. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact K.2. Development of the Project would result in an increased demand on the wastewater collection system. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Construction of wastewater collection infrastructure as part of the Project, together with existing infrastructure, will accommodate the increased flow volume from the Project. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact K.3. Development of the Project would contribute to future cumulative increases in demand on the wastewater collection system. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measures have been identified which would reduce the significance of the impact described above to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the impact described above to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. No measures have been established to mitigate area-wide cumulative significant impacts on wastewater collection facilities. Although the City could establish an appropriate funding mechanism applicable either to all wastewater generators, to all wastewater generators in the northern tier area, or to only new development, and could use the funds to construct the necessary conveyance capacity, such a mechanism has not been established. Therefore, the project's contribution to this cumulative impact remains significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact K.4. Development of the Project would contribute to cumulative increases in demand for treatment facilities and discharge options. (Significant and Unavoidable)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, would potentially reduce the significance of the impact described above to a less-than-significant level, but the measure is not feasible and is therefore not adopted.

- Mitigation Measure K.4. The City could acquire additional land adjacent to the wastewater treatment plant for land application of treated effluent, providing additional disposal capacity.

**Finding:** The City is in the process of studying and planning for additional land acquisition. However, further analysis and funding are needed prior to implementation. As a result, this measure must be characterized as infeasible until plans are finalized and funding is assured. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact K.5. Development of the Project would result in an increased demand on regional landfill facilities and the Waste-to-Energy Facility. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Waste management plans that will be implemented as identified in the FEIR will minimize this potential impact. In addition, the total solid waste generated due to the Project would not impose significant demands resulting in the need for expansion of either the Fink Road landfill or the Waste-to-Energy Facility. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact K.6. Development of the Project could contribute to cumulative impacts on the capacities of regional landfill facilities and the Waste-to-Energy Facility. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Given the adequate landfill capacity, together with the relative insignificance of Project solid waste impacts compared to the cumulative impacts, the Project impact as described above is found to be less than significant, and no mitigation is necessary.

## XII. WATER SUPPLY

**Potential Impact:** Impact L.1. Development of the proposed medical center would increase the demand for potable water in excess of the amount planned in the Urban Water Management Plan. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measures. No mitigation necessary.

**Finding:** Based on the Water Supply Assessment referenced in the FEIR, there will be sufficient supply to serve the Project. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact L.2. The proposed new well on the Project site intended to increase the City groundwater supply to serve the project could contribute to groundwater overdraft conditions in the Modesto Subbasin of the Stanislaus and Tuolumne Rivers Groundwater Basin at full buildout of the proposed project. (Significant and Unavoidable)

**Mitigation:** No mitigation is necessary for Phases A and B of the proposed project. No feasible mitigation has been identified to address the potential groundwater overdraft conditions in the Modesto Subbasin of the Stanislaus and Tuolumne Rivers Groundwater Basin at full buildout of the proposed project.

**Finding:** Although groundwater extraction for Phases A and B would result in a total annual extraction within the groundwater basin's safe yield, Phase C extraction would cause the total annual extraction to exceed the safe yield. It would be speculative at this point to establish specific measures to assure water sources are available in 2025 that would avoid significant contribution to groundwater overdraft conditions. Conservation measures in place in the City should continue to help reduce overall water demand in this portion of the water service area; however, the effectiveness of future conservation cannot be quantified at this time. It is reasonably anticipated that as agricultural use declines in the Modesto Irrigation District service area, increased groundwater supplies will be available in the future, but the amount has not been quantified. The City is also exploring additional sources of surface water. All of these approaches may be feasible in the future, and are expected to provide sufficient water for future development, including that in the proposed project. Because these are not assured water sources, mitigation has been determined to be infeasible. Therefore, this impact would remain significant and unavoidable.

**Overriding Considerations:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

**Potential Impact:** Impact L.3. Development of the Project could contribute to cumulative demand for potable water in the Modesto Water Service Area, exceeding existing and known water supplies. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measures. No mitigation necessary.

**Finding:** Although growth forecasts for the area would contribute to an overall demand that could exceed available water supply, this analysis does not account for reasonably anticipated reductions in demand due to conservation measures already in place, the decline of agricultural use in the Modesto Irrigation District service area, and the development of additional sources of surface water which would account for increased groundwater supplies that will be available in the future to serve this future growth. All of these actions would reduce the significant cumulative impact which, absent the above measures, would likely occur before 2020

with or without development of the Project. The Project's incremental contribution to this impact would be about .5 to .6 percent of the total water demand and would not be cumulatively considerable. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** Impact L.4. Development of the Project could contribute to the potential for regional cumulative demand to result in overdraft of groundwater supplies. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measures. No mitigation necessary.

**Finding:** The proportional contribution of the Project to this potential impact is insignificant. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

### XIII. POPULATION AND HOUSING

**Potential Impact:** Impact M.1. Development of the Project area would induce population growth that would affect the demand for housing. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** Since projected employment on the Project site would not induce substantial new, unanticipated employment growth, it would have a less-than-significant impact on the population and housing demand in Modesto, and no mitigation is necessary.

**Potential Impact:** Impact M.2. Development of the Project area would displace people and existing housing. (Less than Significant)

**Mitigation:** The following mitigation measure, as set forth in the FEIR, is hereby adopted and will be implemented as provided in the Mitigation Monitoring and Reporting Program:

- Mitigation Measure. No mitigation necessary.

**Finding:** The Project will only displace four existing residences, and the City currently has an excess of housing units in relation to job availability. The impact as described above is therefore found to be less than significant, and no mitigation is necessary.

**Potential Impact:** The planned upgrade by Caltrans of Kiernan Avenue between SR 99 and Tully Road to a four-lane Class B Expressway could be temporarily delayed, resulting in additional impacts to Kiernan Avenue intersections and roadway segments as set forth on Pages IV.D.53-IV.D.56 of the EIR. (Significant and Unavoidable)

**Mitigation:** No feasible mitigation measure has been identified which would reduce the significance of the impacts described in the EIR to a less-than-significant level.

**Finding:** No feasible mitigation measure has been identified which would reduce the significance of the potential impacts described above to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. The traffic analysis in the EIR assumes that this segment of Kiernan would be upgraded by Caltrans to a four-lane Class B expressway by 2008. Based on public information produced by Caltrans at the state level, the City still believes that funding for this project will be available in a timely manner and therefore this is a reasonable and valid assumption. If, however, the upgrade is not completed by 2008, the roadway segment and intersections could operate poorly for a temporary period of time and could create the temporary impacts described above. The Kiernan Avenue upgrade is outside the City's limits and under the jurisdiction of Caltrans. Caltrans is encouraged to pursue the upgrade of Kiernan Avenue to a four-lane Class B Expressway in an expeditious manner so as to ensure their completion by 2008.

**Overriding Consideration:** The environmental, economic, social and other benefits of the Project override the significant impact described above, as more fully stated in the Statement of Overriding Considerations in Section 3 of the Resolution.

## FINDINGS CONCERNING PROJECT ALTERNATIVES

An EIR must describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly obtain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives. Even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-maker may reject the alternative if it determines that specific considerations make the alternative infeasible. The findings with respect to alternatives identified in the FEIR are described below.

### I. NO-PROJECT ALTERNATIVE

The No Project Alternative includes two scenarios. No Project: No Development assumes that no development would occur on the 88-acre project site, and existing uses would remain for the foreseeable future. No Project: Existing Specific Plan assumes that development would occur on the project site pursuant to the adopted *Kiernan Business Park Specific Plan* with no amendments to permit medical use.

#### A. No Project: No Development

**Description of Alternative:** Under this scenario, the proposed Kaiser Modesto Medical Center / Cornerstone Business Park project would not be constructed. The three remaining homesteads would remain (the fourth homestead was demolished in March 2004 after the Draft EIR was sent to the printer) and the site would continue in agricultural use. There would be no annexation of the project site into the City of Modesto, nor Sphere of Influence amendment. There would be no Specific Plan amendments to the *Kiernan Business Park Specific Plan*.

**Finding:** With the No Project: No Development alternative, existing physical conditions on the project site would continue as described in the Land Use, Agricultural Resources, Transportation and Circulation, Air Quality, Noise, Hazardous Materials, Hydrology and Water Quality, Utilities and Services Systems, and Water Supply Sections of Chapter IV of the FIER. There would be no loss of agricultural lands or changes to the visual character of the project site. No project-generated traffic would be added to City or County roadways and no new air emissions would be generated. There would be no changes to hydrology and water quality on the project site. Other impacts identified for the Project would not occur should existing physical conditions on the project site area remain.

The No-Project Alternative would fail to satisfy the following objectives of the Project, as identified in the FEIR:

- To alleviate the existing and projected shortfall of hospital beds in Stanislaus County.
- To enhance Modesto's emergence as a Regional Center of Health Care Excellence by creating a third hospital.

- To create a campus-like environment that is easy for both pedestrians and vehicles to access by creating open spaces and pedestrian walkways.
- To create seismically safe, inpatient facilities in Modesto and Stanislaus County.
- An important objective for the applicant is to “provide inpatient care with the Kaiser Permanente system in the Modesto region.”

Based on the foregoing, the City finds that, on balance, the Project is preferable to the No-Project: No Development Alternative and that the No-Project: No Development Alternative is not a feasible alternative to the Project as that term is defined in CEQA.

## **B. No Project: Existing Specific Plan**

**Description of Alternative:** This scenario would include development pursuant to the pre-zoning designation established for the site in the *Kiernan Business Park Specific Plan*, unless Stanislaus County were to adopt General Plan amendments establishing new land use designations for the project site. Consistent with the City of Modesto’s *Kiernan Business Park Specific Plan*, development would contain about 1,210,000 gsf of one- to three-story buildings.<sup>1</sup> Development of business park uses would require the City of Modesto to amend its Sphere of Influence and annex the project site into its boundaries.

**Finding:** As described in detail in the FEIR, impacts resulting from development under the existing *Kiernan Business Park Specific Plan* would be similar to, but generally less than, those identified for the proposed project.

As with the proposed project, land use impacts under this alternative would be considered less than significant for the purposes of CEQA. Like the proposed project, development under this alternative would result in the permanent loss of 88 acres of Prime Farmland, a significant unavoidable impact. As with the proposed project, visual impacts under the No Project: Existing Specific Plan scenario would be considered less than significant. Transportation and circulation impacts would be similar to those identified in the FEIR, would remain significant and unavoidable, but would be expected to occur at fewer locations than with the Project. Air quality impacts during construction phases would be somewhat reduced, but they would continue to warrant mitigation similar to the project. Noise impacts during construction phases would be reduced in duration under this scenario because less building construction would occur, but they would still warrant mitigation similar to the project. Because this scenario would not include the proposed hospital, impacts due to medical-related hazards would be eliminated. As with the Project, biological resources impacts under this scenario would be considered less than significant. Like the Project, this scenario would have less-than-significant impacts to hydrology and water quality with implementation of the groundwater quality mitigation measures as identified. Similar to the proposed project, the demand for police

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<sup>1</sup> Under the No Project Alternative, gross square footage (gsf) is calculated by using a Floor Area Ratio (FAR) of 0.4 sq. ft. of building area to 1.0 sq. ft. of the project site’s net lot area. About 810,000 gsf would be constructed on the Kaiser portion of the project site and 400,000 gsf on the Cornerstone Business Park portion of the project site.

and fire services would increase under this scenario, albeit to a lesser degree as the development area would be smaller than with the proposed project. Impacts related to wastewater collection and solid waste under this scenario would be less than with the proposed project, but there still would be a significant cumulative impact and the project would contribute substantially to this significant impact. Implementation of this scenario would result in less-than-significant impacts to groundwater levels. Similar to the proposed project, this scenario would not induce substantial population or housing growth at the local or regional level that is not already accounted for by the *Urban Area General Plan*.

Given the Project objectives set forth above, as well as the desire of the City to ensure the provision of quality health care services to its residents, the City finds that, on balance, the Project is preferable to the No-Project: Existing Specific Plan Alternative and that the No-Project: Existing Specific Plan Alternative is not a feasible alternative to the Project as that term is defined in CEQA.

## II. REDUCED INTENSITY ALTERNATIVE

**Description of Alternative:** The Reduced Intensity Alternative would construct a smaller Medical Center on the Kaiser portion of the project site. The Cornerstone Business Park would be developed as described with the proposed project. Under this alternative, the Kaiser Modesto Medical Center Campus would be developed through Phase A, and would include the 260,000-gsf, four-story, 71-foot-tall, Hospital Support Wing, the 140,000-gsf, two-story, 37-foot-tall Medical Services Building (MSB I), the 250-bed, 400,000-gsf, two- and three-story, 57-foot-tall hospital facility with two, five-story, 90-foot-tall nursing towers, and the 30,000-gsf, one-story, 21-foot-tall central utility plant (CUP). Approximately 2,450 surface parking stalls would be constructed. As with the proposed project, a helicopter landing pad (helistop) would be constructed on the north-central portion of the Kaiser Modesto Medical Center Campus site proximate to the future hospital building.

**Finding:** Although the Reduced Intensity Alternative would result in impacts that are similar to, but generally less than, the Project, as discussed in detail in the FEIR, that alternative would not meet many of the objectives for the Project. The Reduced Intensity Alternative will result in an inadequately-sized medical facility to meet the City's long-term healthcare needs. The Project, on the other hand, contemplates phased development to occur with the demand.

Based on the foregoing, the City finds that, on balance, the Project is preferable to the Reduced Intensity Alternative and that the Reduced Intensity Alternative is not a feasible alternative to the Project as that term is defined in CEQA.

## III. OFF-SITE ALTERNATIVE

**Description of Alternative:** The Off-Site Alternative would include full development of the 1,425,000-gsf Kaiser Modesto Medical Center Campus on a 45-acre site north of the Vintage Faire Mall. This Vintage Faire Mall site is located about one mile south of the Project site along Dale Road near Standiford Avenue. Under the Off-Site Alternative, the

development and phasing of Kaiser's Modesto Medical Center Campus would be similar to the proposed project and would include similarly sized medical services buildings, a hospital, a hospital support wing, nursing towers, parking garages, and a central utility plant. Like the proposed project, about 3,860 parking spaces would be constructed. A helistop would also be planned for the non-routine transport of seriously injured or ill patients to higher-level trauma centers and other facilities after stabilization. Primary vehicular access to the site would be from Dale Road, with secondary access points along the northern edge of the project site along Vintage Drive.

Under the Off-Site Alternative, the Cornerstone Business Park project, or other similar business park development, would be constructed on the 39-acre Cornerstone property. This portion of the proposed project site is owned by its project sponsor, who does not own other sites suitable for business park development. Business park development on this portion of the project site would not require amendment of the *Urban Area General Plan* or the *Kiernan Business Park Specific Plan*. The business park would include approximately 400,000 gsf of one- to three-story buildings for professional office space with 1,500 parking spaces.

**Finding:** As specifically discussed in the FEIR, the Off-Site Alternative would generally result in fewer significant impacts than the Project, although several impacts would be similar to those of the Project and some impacts would be greater. The reduction in significant impacts will generally occur as a result of the elimination of the proposed commercial development at the Vintage Faire Mall Site.

In addition, as described at the City Council hearing for certification of the EIR and consideration of the Project, the Alternative would not meet many of the objectives for the Project. The Off-Site Alternative is a long rectangular site which would not provide parking that is equidistant from buildings, provides limited access on Dale which would make both public and emergency vehicle access difficult, would tie traffic circulation for the Project to residential development and would place the Project in closer proximity to Vintage Faire Mall which could increase the possibility of conflicts at times of the year that are critical to both facilities.

Based on the foregoing, the City finds that, on balance, the Project is preferable to the Off-Site Alternative and that the Off-Site Alternative is not a feasible alternative to the Project as that term is defined in CEQA.

**EXHIBIT "B"**

**MITIGATION MONITORING AND REPORTING PROGRAM**

## **VI. KAISER MODESTO MEDICAL CENTER / CORNERSTONE BUSINESS PARK MITIGATION MONITORING AND REPORTING PROGRAM**

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### **Introduction**

In accordance with CEQA Guidelines § 15097, to ensure implementation of mitigation measures identified in the EIR as included in the project and those imposed as conditions of approval by the lead agency, a program for monitoring or reporting (Mitigation Monitoring and Reporting Program (MMRP)) must be adopted. Until mitigation measures are completed, the lead agency remains responsible for ensuring that implementation occurs in accordance with the program.

The attached MMRP lists the Kaiser Modesto Medical Center / Cornerstone Business Park project mitigation measures that will be implemented. It identifies who is responsible for implementation of the mitigation measure and the necessary steps, or actions, to complete it. The MMRP describes how the measure will be monitored, who is responsible for the monitoring, and presents a schedule of when the mitigation is to be implemented.

### **Phasing**

Construction of the Kaiser Medical Center and Cornerstone Business Park project will occur in three major phases, Phase A, B and C, through the years 2025 to 2028, as described below:

#### Phase A (2004-2008)

##### *Kaiser Modesto Medical Center*

- Hospital Support Wing
- Medical Services Building (MSB I)
- Hospital with Nursing Towers
- Central Utility Plant

##### *Cornerstone Business Park*

- 400,000-gsf business park for professional and medical office use

#### Phase B (2010-2013)

##### *Kaiser Modesto Medical Center*

- Hospital Expansion with Nursing Tower
- Parking Garage I

#### Phase C (2018-2025)

##### *Kaiser Modesto Medical Center*

- Medical Services Building (MSB II)
- Parking Garage II
- Medical Services Building (MSB III)
- Parking Garage III

**KAISER MODESTO MEDICAL CENTER /  
CORNERSTONE BUSINESS PARK  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<b>Agricultural Resources</b>				
B.1. Compensate for the loss of farmland.	Project Developers	1. Project Developers shall provide current per-acre valuation, based on information from the California Department of Conservation if available, or from an independent appraisal based on comparable agricultural lands.  2. Project Developers shall provide documentation of contribution to California Farmland Conservancy or to an equivalent program for funding farmland preservation in Stanislaus County.	Community and Economic Development Department shall review the farmland valuation information, compensation transactions and other documentation for concurrence.	1. As part of building permit application.  2. Following concurrence from Modesto's Community and Economic Development Director and prior to building permit issuance.
B.3. Compensate for the loss of farmland. (Same as Mitigation Measure B.1.)	Same as Mitigation Measure B.1.	Same as Mitigation Measure B.1.	Same as Mitigation Measure B.1.	Same as Mitigation Measure B.1.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<b>Transportation and Circulation</b>				
D.5.a. At the intersection of Dale Road and Kiernan Avenue, add a second northbound left turn lane on Dale Road and provide a storage length of 300 feet for each lane.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Kiernan Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.6.a. At the intersection of Dale Road and Technology Drive, add a second northbound left turn lane on Dale Road and provide a storage length of 300 feet for each lane.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.6.b. At the intersection of Dale Road and Technology Drive, add a second northbound through lane on Dale Road.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.7. At the intersection of Dale Road and Kaiser Medical Center Entrance, add a second northbound left turn lane on Dale Road and provide a storage length of 300 feet for each lane.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Kaiser Medical Center Entrance to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.8. Convert the Bangs Avenue and American Avenue intersection to a side-street STOP-controlled intersection.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.9.a. Signalize the intersection of Bangs Avenue and Prescott Road.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation by paying into the Capital Facilities Fees Program.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.9.b. At the intersection of Bangs Avenue and Prescott Road, add a westbound left turn lane on Bangs Avenue.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation by paying into the Capital Facilities Fees Program.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.9.c. Or, Alternative Mitigation Measure - Convert the intersection to a roundabout.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation by paying into the Capital Facilities Fees Program.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later. The City Council will determine, prior to occupancy of Phase A, whether intersection will be signalized or have a roundabout.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.11.a. At the intersection of Dale Road and Pelandale Avenue, add a third southbound through lane on Dale Road at the approach and departure legs.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Pelandale Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.11.b. At the intersection of Pelandale Avenue and Dale Road, add a third eastbound through lane on Pelandale Avenue at the approach and departure legs.	Project Developers, City of Modesto	<p>1. Improvements to the approach leg would be implemented by Project Developers.</p> <p>2. Improvements to the departure leg would be implemented by the City.</p>	<p>1. City Engineer shall review and approve road improvement plans.</p> <p>2. Public Works Department shall construct in accordance with the City's Standard Specifications.</p>	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.11.c. At the intersection of Pelandale Avenue and Dale Road, add a second eastbound left turn lane on Pelandale Avenue.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Pelandale Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.11.d. At the intersection of Dale Road and Pelandale Avenue, lengthen the southbound left turn pocket on Dale Road by 150 feet.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Pelandale Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.12. At the intersection of Prescott Road and Pelandale Avenue, lengthen the northbound left turn lane on Prescott Road by 100 feet.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation by paying into the Capital Facilities Fees Program.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.21. Provide a third westbound through lane on the Pelandale Avenue road segment between Sisk Road and the SR 99 Northbound Ramps.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation by paying into the Capital Facilities Fees Program.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.22. Provide a third westbound through lane on the Pelandale Avenue road segment between Sisk Road and Costco/Save Mart.	City of Modesto	Project Developers shall contribute their fair share of the cost of implementation by paying into the Capital Facilities Fees Program.	Public Works Department shall construct in accordance with the City's Standard Specifications.	All improvements shall be completed prior to December 31, 2008 or certificate of occupancy of Phase A developments, whichever occurs later.
D.23.a. Provide second and third westbound through lanes on the Pelandale Avenue road segment between Dale Road and Chapman Road.	Project Developers	Project Developers shall submit road improvement plans for the Pelandale Avenue road segment between Dale Road and Chapman Road to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.23.b. Provide a third eastbound through lane on the Pelandale Avenue road segment between Dale Road and Chapman Road.	Project Developers	Project Developers shall submit road improvement plans for the Pelandale Avenue road segment between Dale Road and Chapman Road to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.29. Provide a second northbound through lane on the segment of Dale Road between Kiernan Avenue and Technology Drive.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Kiernan Avenue and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.30. Provide a second northbound through lane on the segment of Dale Road between Technology Drive and Kaiser Medical Center Entrance.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Technology Drive and Kaiser Medical Center Entrance to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.31. Provide a third southbound through lane on the segment of Dale Road between Kaiser Medical Center Entrance and Bangs Avenue.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Kaiser Medical Center Entrance and Bangs Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments
D.32. Provide a third southbound through lane on the segment of Dale Road between Bangs Avenue and Fleur de Lis Drive.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Bangs Avenue and Fleur de Lis Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.33. Provide a third southbound through lane on the segment of Dale Road between Fleur de Lis Drive and Pelandale Avenue.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Fleur de Lis Drive and Pelandale Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.34. Provide a third southbound through lane on Dale Road from Veneman Avenue to Standiford Avenue.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Veneman Avenue and Standiford Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.
D.38. Provide additional sidewalks/pedestrian paths between the Kaiser Medical Center main entrance and the extension of the driveway from Dale Road.	Project Developers	Project Developers shall submit Master Site Plan to the Community and Economic Development Department.	Community and Economic Development Department shall review the Master Site Plan to ensure that pedestrian access is provided to each building from bicycle and automobile parking facilities and from bus stops.	All improvements shall be completed prior to certificate of occupancy of Phase A developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>D.39. Revise the site plan to remove the entrances to the Kaiser Medical Center parking lots from the Kaiser Modesto Medical Center Entrance driveway. At the intersection of the main driveway with the internal ring road, install STOP signs for the internal ring road approaches and for the eastbound main driveway approach in order to provide right of way to vehicles entering the Kaiser Medical Center. In addition, adjust the curb radii to allow for 15 mph travel speeds for vehicles entering the Kaiser Medical Center and turning right onto the internal ring road.</p>	<p>Project Developers</p>	<p>Project Developers shall revise site plan and submit plan to the Community and Economic Development Department.</p>	<p>Community and Economic Development Department shall review and approve revised site plan.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase A developments.</p>
<p>D.44.a. At the intersection of Dale Road and Kiernan Avenue, add a northbound right turn lane on Dale Road.</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement plans for the intersection of Dale Road and Kiernan Avenue to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>
<p>D.45. At the intersection of Dale Road and Technology Drive, add a southbound right turn lane on Dale Road and revise signal phasing to provide overlap phase.</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement and signal phasing plans for the intersection of Dale Road and Technology Drive to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement and signal phasing plans and shall implement signal phasing.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>
<p>D.46.a. At the intersection of Dale Road and Kaiser Medical Center Entrance, extend the northbound left turn lane on Dale Road to provide 340 feet of storage capacity.</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement plans for the intersection of Dale Road and Kaiser Medical Center Entrance to the City Engineer</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>
<p>D.46.b. At the intersection of Dale Road and Kaiser Medical Center Entrance, allow for free eastbound right turn movement from the Kaiser Medical Center Entrance onto Dale Road southbound.</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement plans for the intersection of Dale Road and Kaiser Medical Center Entrance to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>D.47.a. At the intersection of Dale Road and Bangs Avenue, convert the roundabout to a signalized intersection having the following configuration: on southbound approach – two left turn lanes, two through lanes, and one shared through/right lane; on westbound approach – two left turn lanes, one right turn lane; on northbound approach – two through lanes and one right turn lane; and on eastbound approach – one or two right turn lanes (depending on signal phasing).</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement plans for the intersection of Dale Road and Bangs Avenue to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>
<p>D.47.b. Restrict the Kaiser driveway (west) leg of the Dale Road and Bangs Avenue intersection to right-turn-in and right-turn-out access.</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement plans for the intersection of Dale Road and Bangs Avenue to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>
<p>D.47.c. At the intersection of Dale Road and Bangs Avenue, add a second eastbound receiving lane on Bangs Avenue.</p>	<p>Project Developers</p>	<p>Project Developers shall submit road improvement plans for the intersection of Dale Road and Bangs Avenue to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>
<p>D.48.a. Signalize the intersection of Bangs Avenue and American Avenue.</p>	<p>Project Developers</p>	<p>Project Developers shall submit plans for the installation of a traffic signal at the intersection of Bangs Avenue and American Avenue to the City Engineer.</p>	<p>City Engineer shall review and approve road improvement plans.</p>	<p>All improvements shall be completed prior to certificate of occupancy of Phase B developments.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>Or an alternative mitigation measure</b>  <b>D.48.b</b> Alternative Mitigation Measure: Construct a roundabout at the intersection of Bangs Avenue and American Avenue.</p>	Project Developers	Project Developers shall submit plans for the installation of a traffic signal at the intersection of Bangs Avenue and American Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase B developments. The City Council will determine, prior to occupancy of Phase A, whether intersection will be signalized or have a roundabout.
<p><b>D.49.a.</b> Signalize the intersection of Bangs Avenue and Prescott Road. (Same as Mitigation Measure D.9.a.)</p>	Same as Mitigation Measure D.9.a.	Same as Mitigation Measure D.9.a.	Same as Mitigation Measure D.9.a.	Same as Mitigation Measure D.9.a.
<p><b>D.49.b.</b> At the intersection of Bangs Avenue and Prescott Road, add a westbound left turn lane on Bangs Avenue. (Same as Mitigation Measure D.9.b.)</p>	Same as Mitigation Measure D.9.b.	Same as Mitigation Measure D.9.b.	Same as Mitigation Measure D.9.b.	Same as Mitigation Measure D.9.b.
<p><b>D.49.c.</b> Or, Alternative Mitigation Measure - At the intersection of Bangs Avenue and Prescott Road, convert the intersection to a roundabout. (Same as Mitigation Measure D.9.c.)</p>	Same as Mitigation Measure D.9.c.	Same as Mitigation Measure D.9.c.	Same as Mitigation Measure D.9.c.	Same as Mitigation Measure D.9.c. The City Council will determine, prior to occupancy of Phase A, whether intersection will be signalized or have a roundabout.
<p><b>D.50.c.</b> At the intersection of Pelandale Avenue and Dale Road, add third westbound through lane on Pelandale Avenue.</p>	Project Developers	Project Developers shall submit road improvement plans for the intersection of Pelandale Avenue and Dale Road to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase B developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.57.a. At the intersection of Dale Road and Kaiser Medical Center Entrance, extend the northbound left turn lane on Dale Road to provide 340 feet of storage capacity, and allow for a free eastbound right turn movement from the Kaiser Medical Center Entrance onto Dale Road southbound. (Same as Mitigation Measures D.46.a and D.46.b.)	Same as Mitigation Measures D.46.a and D.46.b.	Same as Mitigation Measures D.46.a and D.46.b.	Same as Mitigation Measures D.46.a and D.46.b.	Same as Mitigation Measures D.46.a and D.46.b.
D.57.b. At the intersection of Dale Road and Bangs Avenue, convert the roundabout to a signalized intersection having the following configuration: on southbound approach – two left turn lanes, two through lanes, and one shared through/right lane; on westbound approach – two left turn lanes, one right turn lane; on northbound approach – two through lanes and one right turn lane; and on eastbound approach – one or two right turn lanes (depending on signal phasing), and restrict the Kaiser driveway (west) leg of the intersection to right-turn-in and right-turn-out access. (Same as Mitigation Measures D.47.a and D.47.b.)	Same as Mitigation Measures D.47.a and D.47.b.	Same as Mitigation Measures D.47.a and D.47.b.	Same as Mitigation Measures D.47.a and D.47.b.	Same as Mitigation Measures D.47.a and D.47.b.
D.57.c. At the intersection of Dale Road and Bangs Avenue, add a second eastbound receiving lane on Bangs Avenue. (Same as Mitigation Measure D.47.c.)	Same as Mitigation Measure D.47.c.	Same as Mitigation Measure D.47.c.	Same as Mitigation Measure D.47.c.	Same as Mitigation Measure D.47.c.
D.58. Prepare a Construction Parking Management Plan for the Kaiser Medical Center.	Project Developers	Construction Parking Management Plan shall be submitted to the Community and Economic Development Department for approval and may include valet parking, off-site staff parking with a shuttle system and other elements.	Community and Economic Development Department shall review and approve the Construction Parking Management Plan.	Construction Parking Management Plan shall be approved by the Community and Economic Development Department prior to issuance of a building permit for Phase B structures by OSHPD.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.62.a. Along the segment of Dale Road between Kiernan Avenue and Technology Drive, provide a third northbound through lane.	Project Developers	Project Developers shall acquire sufficient rights-of-way to accommodate and construct the additional northbound lane on Dale Road.	<u>City Engineer</u> shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.62.b. Along the segment of Dale Road between Kiernan Avenue and Technology Drive, provide a third southbound through lane.	Project Developers	Project Developers shall construct the third southbound through lane on Dale Road, and reconfigure parking spaces on the Cornerstone Business Park site adjacent to the Dale Road segment of roadway.	<u>City Engineer</u> shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.63. Along the segment of Dale Road between Kaiser Medical Center Entrance and Bangs Avenue, provide a third northbound through lane.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Kaiser Medical Center Entrance and Bangs Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.64. Along the segment of Dale Road between Bangs Avenue and Pelandale Avenue, provide a third northbound through lane.	Project Developers	Project Developers shall submit road improvement plans for the segment of Dale Road between Bangs Avenue and Pelandale Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.68.a. At the intersection of Dale Road and Technology Drive, add a southbound right turn lane on Dale Road, and revise signal phasing to provide overlap phase. (Same as Mitigation Measure D.45.)	Same as Mitigation Measure D.45.	Same as Mitigation Measure D.45.	Same as Mitigation Measure D.45.	Same as Mitigation Measure D.45.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.68.b. At the intersection of Dale Road and Technology Drive, provide a northbound right turn lane and restripe shared through/right lane to a through lane on Dale Road.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.68.c. At the intersection of Dale Road and Technology Drive, provide a third southbound through lane on Dale Road.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.68.d. At the intersection of Dale Road and Technology Drive, provide a second eastbound right turn lane and second left turn lane on Technology Drive.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.68.e. At the intersection of Dale Road and Technology Drive, provide a westbound right turn lane and restripe shared through/right lane to a through lane on Technology Drive.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Technology Drive to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.69.a. At the intersection of Dale Road and Kaiser Medical Center Entrance, extend the northbound left turn lane on Dale Road to provide 340 feet of storage capacity. (Same as Mitigation Measure D.46.a.)	Same as Mitigation Measure D.46.a.	Same as Mitigation Measure D.46.a.	Same as Mitigation Measure D.46.a.	Same as Mitigation Measure D.46.a.
D.69.b. At the intersection of Dale Road and Kaiser Medical Center Entrance, provide a third northbound through lane on Dale Road.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Kaiser Medical Center Entrance to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
D.69.c. At the intersection of Dale Road and Kaiser Medical Center Entrance, provide a southbound right turn lane and restripe the shared through/right lane to a through lane on Dale Road.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Kaiser Medical Center Entrance to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.69.d. At the intersection of Dale Road and Kaiser Medical Center Entrance, provide a second eastbound right turn lane and second left turn lane at Kaiser Medical Center Entrance.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Kaiser Medical Center Entrance to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.70.a. Same as Mitigation Measures D.47.a, D.47.b, D.47.c, and D.47.d.	Same as Mitigation Measures D.47.a, D.47.b, D.47.c, and D.47.d.	Same as Mitigation Measures D.47.a, D.47.b, D.47.c, and D.47.d.	Same as Mitigation Measures D.47.a, D.47.b, D.47.c, and D.47.d.	Same as Mitigation Measures D.47.a, D.47.b, D.47.c, and D.47.d.
D.70.b. At the intersection of Dale Road and Bangs Avenue, provide a third northbound through lane on Dale Road.	Project Developers	Project Developers shall submit road improvement plans for the intersection of Dale Road and Bangs Avenue to the City Engineer.	City Engineer shall review and approve road improvement plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.
D.71. Signalize the intersection of Western Driveway II and Technology Drive.	Project Developers	Project Developers shall submit signalization plans for the intersection of Western Driveway II and Technology Drive to the City Engineer.	City Engineer shall review and approve signalization plans.	All improvements shall be completed prior to certificate of occupancy of Phase C developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>D.72. Prepare a Construction Parking Management Plan for the Kaiser Medical Center to accommodate the temporary parking shortage anticipated under Phase C.</p>	<p>Project Developers</p>	<p>Construction Parking Management Plan shall be submitted to the Community and Economic Development Department for approval and may include valet parking, off-site staff parking with a shuttle system and other elements.</p>	<p>Community and Economic Development Department shall review and approve the Construction Parking Management Plan.</p>	<p>Construction Parking Management Plan shall be approved by the Community and Economic Development Department prior to issuance of a building permit for Phase C structures.</p>
<p><b>Air Quality</b></p>				
<p>E.1. Implement air district recommendations to minimize emissions during construction phases.</p>				
<p>The Project Developers shall review Regulation VIII of the San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations and submit a compliance plan to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented.</p> <p>(cont'd.)</p>	<p>Project Developers</p>	<p>Project Developers shall review Regulation VIII and submit a compliance plan to the City of Modesto's Community and Economic Development Department. The compliance plan shall be incorporated in construction contracts.</p>	<p>Project Developers shall provide draft compliance plan to the Community and Economic Development Department for review and approval.</p>	<p>Compliance plan shall be submitted to and approved by the Community and Economic Development Department prior to the start of any phase of construction.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>E.1. (cont'd.)</b></p> <p>Prior to the issuance of construction contracts, the Project Developers shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emissions reduction are available for use. It is anticipated that in the near future both NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available. The SJVAPC District should be consulted during this process.</p>	<p>Project Developers</p>	<p>Project Developers shall consult with SJVAPCD and identify available new technology and shall incorporate requirements for new technology in construction contracts.</p>	<p>Project Developers shall consult with the SJVAPC. Project Developers shall report to the Community and Economic Development Director on new technology to be included.</p>	<p>The Project Developers shall incorporate available new technology in construction contracts.</p>
<p>The Project Developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.</p> <p><b>(cont'd.)</b></p>	<p>Project Developers</p>	<p>All slopes shall be measured by the Project Developers and identified on the building permit plan set submitted. The construction foreman or liaison shall oversee the placement of sandbags or other runoff control measure(s) on all slopes determined to have a slope greater than 1 percent.</p>	<p>The construction foreman or liaison shall monitor runoff control measure(s) and shall ensure such measures are installed and operating to the specifications of the Community and Economic Development Department.</p>	<p>The building permit submittal shall identify slope measurements. Throughout the construction duration, the construction foreman or liaison shall conduct weekly runoff control measure(s) inspections and shall submit results in a monthly report to the Community and Economic Development Director.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>E.1. (cont'd.)</p> <p>The Project Developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.</p>	<p>Project Developers</p>	<p>The construction foreman or liaison shall ensure that wheel washers and/or equipment washers are in place at all points of exit from the site.</p>	<p>The construction foreman or liaison shall conduct and record daily inspections.</p>	<p>Construction foreman or liaison shall record inspections in a daily construction log and submit results in a monthly report to the Community and Economic Development Director.</p>
<p>The Project Developers shall install wind breaks at windward sides of construction areas, if necessary, to prevent wind-blown dust.</p> <p>(cont'd.)</p>	<p>Project Developers</p>	<p>Wind breaks shall be installed by the Project Developers prior to the issuance of building permits.</p>	<p>The construction foreman or liaison shall inspect installed wind breaks.</p>	<p>The construction foreman or liaison shall ensure that breaks are correctly placed prior to the start of any construction activity, and shall inspect such breaks on a weekly basis and record inspections in the construction log.</p> <p>Inspection results shall be submitted in a monthly report to the Community and Economic Development Director.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>E.1. (cont'd.)</p> <p>The Project Developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.</p> <p>(cont'd.)</p>	<p>Project Developers</p>	<p>Project developers shall install wind speed measuring devices.</p>	<p>The construction foreman shall suspend all excavation and grading activity when wind speeds exceed 20 mph.</p>	<p>Mitigation shall be implemented when winds exceed 20 mph. The construction foreman shall cease all excavating and grading activities when wind speed measuring devices indicate speeds over 20 mph.</p> <p>Suspension of construction activity due to wind speeds shall be recorded in the construction log. Construction reports shall be submitted to the Community and Economic Development Director on a monthly basis.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>E.1. (cont'd.)</b></p> <p>The Project Developers shall limit the area subject to excavation, grading, and other construction activity at any one time.</p> <p><b>(cont'd.)</b></p>	<p>Project Developers</p>	<p>The project sponsor shall provide a written statement with any request for development permits or other permits involving movement of soil supporting a determination that the request minimizes the amount of exposed soil on the project site during the relevant construction period. The Community and Economic Development Director will either accept the report or require additional means to reduce the amount of exposed soil, such as hydroseeding or planting vegetation with irrigation, in areas that are proposed to be exposed for more than 20 days with no construction activity, prior to authorizing issuance of the permit.</p>	<p>The construction foreman or liaison shall ensure that construction activities do not exceed the allowable area of excavation and grading activity permitted on the site and shall oversee implementation of any required best management practices.</p>	<p>Throughout the construction duration, the construction foreman or liaison shall ensure that excavation and grading activities do not exceed the amount of allowable activity that may take place at any one time and shall implement any required means to reduce the amount of exposed soil.</p> <p>The construction foreman or liaison shall record excavation and grading activities in a construction log on a daily basis and submit results in a monthly report to the Community and Economic Development Director.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>E.1. (cont'd.)</b></p> <p>The Project Developers shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions).</p>	Project Developers	The construction foreman or liaison shall establish a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping.	The construction foreman or liaison shall monitor streets and record inspections in a daily construction log. Results shall be submitted in a monthly report to the Community and Economic Development Director.
<p>The Project Developers shall use alternative-fuel construction equipment, where feasible.</p>	Project Developers	Project Developers shall consult with SJVAPCD to identify feasible goals for equipment use. These goals shall be incorporated into construction contracts.	Project Developers shall consult with the SJVAP. The Project Developers shall report to the Community and Economic Development Director the alternative-fuel equipment to be used in each Phase.	The Project Developers shall use alternative-fuel construction equipment throughout the construction duration, where feasible.
<p>The Project Developers shall minimize idling time (e.g., to a 10-minute maximum).</p> <p><b>(cont'd.)</b></p>	Project Developers	The construction foreman or liaison shall limit idling time on the construction site to a 10-minute maximum.	The construction foreman or liaison shall monitor idling.	Throughout the construction duration, the construction foreman or liaison shall limit idling to a maximum of 10 minutes.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>E.1. (cont'd.)</b></p> <p>The Project Developers shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.</p>	<p>Project Developers</p>	<p>The construction foreman or liaison shall limit the hours of heavy-duty equipment and/or the amount of equipment in use on the construction site.</p>	<p>The construction foreman or liaison shall monitor hours and use of heavy-duty equipment.</p>	<p>Throughout the construction duration, the construction foreman or liaison shall limit hours and use of heavy-duty equipment.</p>
<p>The Project Developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.</p>	<p>Project Developers</p>	<p>Project Developers shall incorporate requirements to replace fossil-fueled equipment with electrically driven equivalents, where feasible.</p>	<p>Project Developers shall report to the Community and Economic Development Director electrically driven equipment to be used in each Phase.</p>	<p>The Project Developers shall use electrically driven equipment throughout the construction duration, where feasible.</p>
<p>The Project Developers shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the San Joaquin Valley Air Pollution Control District.</p>	<p>Project Developers</p>	<p>The construction foreman or liaison shall comply with traffic control programs to curtail construction activities during periods of high ambient pollutant concentrations based on advisories from the SJVAPCD, such as on declared 'Spare the Air' days.</p>	<p>The construction foreman or liaison shall curtail or cease construction activity based on SJVAPCD advisories.</p>	<p>During advisory periods, such as 'Spare the Air' days, construction activity shall be curtailed or stopped.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
E.2.a. Implement design features to reduce emissions from motor vehicle activity.				
The Project Developers shall incorporate improvements for transit service, including bus turnouts, transit loading areas, and shelters.	Project Developers	Project Developers shall submit plans for bus turnout, loading and shelters on Dale Road, as part of a Master Site Plan to the Community and Economic Development Department.	The Community and Economic Development Department shall review and approve the Master Site Plan.	Review and approval of transit service improvements shall occur before issuance of building permits. All improvements shall be completed prior to certificate of occupancy of Phase A developments.
The Project Developers shall incorporate sidewalks and bicycle paths throughout the site and connect those facilities to any nearby pedestrian and bicycle facilities, including those located at open space areas, parks, schools, or commercial areas.	Project Developers	Project Developers shall submit a Master Site Plan to the Community and Economic Development Department that identifies the appropriate locations of all pedestrian and bicycle facilities elements, as indicated in Mitigation Measure D.38.	The Community and Economic Development Department shall review and approve the Master Site Plan.	Review and designation of pedestrian and bicycle facilities shall occur before issuance of building permits. All improvements shall be completed prior to certificate of occupancy of Phase A developments.
The Project Developers shall incorporate secure bicycle storage and parking facilities throughout the site.	Project Developers	Project Developers shall submit a Master Site Plan to the Community and Economic Development Department that identifies all the bicycle storage and parking facilities on the project site.	The Community and Economic Development Department shall review and approve the Master Site Plan.	Review of on-site bicycle storage and parking facilities shall occur before issuance of building permits for each development Phase. All improvements shall be completed prior to certificate of occupancy of Phase A developments.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>E.2.b.</b> Develop and implement an approved trip reduction plan to reduce emissions from motor vehicle activity. Such a plan may include, but need not be limited to, the following:</p> <ul style="list-style-type: none"> <li>Provision of matching services (for participants in carpools and vanpools) by employers with over 100 weekday employees or coordination with Caltrans' "Commuter Computer" program.</li> <li>Employer-based dissemination of commute information.</li> <li>Employer subsidies for transit passes and incorporation of transit stop facilities into site design.</li> <li>A program to guarantee rideshare participants a ride home in case of emergency.</li> <li>Flex-time scheduling.</li> <li>Site plan design which encourages pedestrian movement between adjacent land uses.</li> <li>Incentives such as preferred parking for carpoolers.</li> <li>Encouraging employers to experiment with telecommuting options, where feasible.</li> </ul>	Project Developers	Project Developers shall prepare a trip reduction plan for use by the Medical Center and tenants of the Cornerstone Business Park.	<p>The Community and Economic Development Department shall review all submitted trip reduction plans, and ensure, at a minimum, that all of the required elements are included in the plan.</p> <p>Project Developers shall ensure that all measures detailed in the trip reduction plan are being carried out.</p>	<p>The trip reduction plan shall be submitted for review and approval by the Community and Economic Development Department prior to certificate of occupancy of each phase of the project.</p> <p>The Project Developers shall submit status results of the trip reduction plan in an annual report to the Community and Economic Development Director.</p>
<p><b>E.2.c.</b> Implement site design features to reduce emissions from energy consumption.</p>				
<p>The Project Developers shall incorporate energy efficient building design features including automated control systems for heating and air conditioning and energy efficiency beyond the requirements of the Building Code (Title 24, California Code of Regulations, or for the Kaiser Hospital, those established by the Office of Statewide Health Planning and Development), increased wall and ceiling insulation beyond Building Code requirements, energy-efficient roof materials, and energy efficient lighting and lighting controls.</p> <p>(cont'd.)</p>	Project Developers	Project Developers shall submit construction drawings showing energy efficient building design features.	The Community and Economic Development Department shall review and approve all construction plans to ensure that all required energy efficiency measures are included.	Prior to building permit issuance of each Phase, construction plans shall show that all energy efficient measures are included.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>E.2.c. (cont'd.)</b></p> <p>The Project Developers shall incorporate approved deciduous trees to provide shade on the south- and west-facing sides of buildings.</p>	Project Developers	Project Developers shall submit the Master Site Plan showing shade trees on the south- and west-facing sides of buildings.	The Department of Parks, Recreation and Neighborhoods shall review and approve all landscape plans.	Prior to building permit issuance of each Phase, construction plans shall show that all energy efficient measures are included.
<p><b>E.6.</b> Implement design features to reduce cumulative considerable net increases of pollutants for which the San Joaquin Valley is designated as nonattainment. See mitigation measures listed under Impact E.2.</p>	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.
<p><b>E.7.</b> Implement design features to reduce emissions from motor vehicle activity. Develop and implement an approved trip reduction plan to reduce emissions from motor vehicle activity. See mitigation measures listed under Impact E.2.</p>	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.	Same as Mitigation Measures E.2.a, E.2.b, and E.2.c.
<b>Noise</b>				
<p><b>F.1.</b> Protect sensitive receptors from excessive construction noise.</p>				
<p>Construction activities shall be restricted to the hours between 7:00 a.m. and 9:00 p.m., Monday through Friday, and between 9:00 a.m. and 9:00 p.m., Saturday and Sunday and state and federal holidays; minor construction equipment servicing and maintenance shall be excepted from this restriction.</p> <p><b>(cont'd.)</b></p>	Project Developers	Project Developers shall incorporate requirements for construction schedule in construction contracts.	Construction foreman or designated liaison shall oversee construction activity on the site and ensure that no such activity takes place during restricted hours.	Construction foreman or liaison shall record construction activity hours in a daily construction log and submit results in a monthly report to the Community and Economic Development Director.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>F.1. (cont'd.)</p> <p>Construction equipment vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations.</p> <p>Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.</p> <p>(cont'd.)</p>	<p>Project Developers</p> <p>Project Developers</p>	<p>Project Developers shall incorporate requirements for construction vehicle mufflers in construction contracts.</p> <p>Project Developers shall incorporate requirements for equipment mufflers and tool shields in construction contracts.</p>	<p>Construction foreman or liaison shall conduct vehicle construction inspections to ensure such vehicles are properly equipped with operating mufflers.</p> <p>Construction foreman or liaison shall conduct equipment and tool inspections to ensure they are operating properly with mufflers and/or shrouds or shields.</p>	<p>Construction foreman or liaison shall perform random monitoring at a rate of at least one per week and shall submit results in a monthly report to the Community and Economic Development Director.</p> <p>Construction foreman or liaison shall perform random monitoring at a rate of at least one per week and shall submit results in a monthly report to the Community and Economic Development Director.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>F.1. (cont'd.)</b></p> <p>Stationary noise sources and staging areas shall be located as far as possible from existing residences and occupied hospital facilities (preferably at least 200 feet), or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).</p>	<p>Project Developers</p>	<p>Project Developers shall submit building permit plans showing noise source and staging areas on the project site. In the event that noise sources and staging areas are located less than 200 feet from existing residences, Project Developers shall require in construction contracts that additional noise-reducing engine enclosures be required.</p>	<p>Construction foreman or liaison shall install noise-reducing engine enclosures around noise sources and staging areas located less than 200 feet from existing residences.</p>	<p>Throughout the construction duration, noise-reducing engine enclosures shall be installed around all noise sources and staging areas less than 200 feet from existing residences. Construction foreman or liaison shall record when such enclosures are installed and record its installation in the construction log. Results shall be submitted in a monthly report to the Community and Economic Development Director.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.</p> <p>(cont'd.)</p>	<p>Project Developers</p>	<p>Project Developers shall submit building permit plans showing construction vehicle access routes.</p>	<p>In consultation with the Public Works Director and Modesto Police Department, the Community and Economic Development Department shall review plans and ensure that the identified construction vehicle access routes minimize the impact on existing residences and occupied hospital facilities.</p>	<p>Prior to building permit issuance of any phase of construction, construction vehicle access routes shall be designed and located to minimize the impact on existing residences and occupied hospital facilities.</p>
<p>F.1. (cont'd.)</p> <p>A "construction liaison" shall be designated to ensure coordination between construction staff, neighbors, hospital staff, medical office building tenants, and business park tenants to minimize disruptions due to construction noise. Hospital and medical office staffs shall be made aware of the construction schedule and activities. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.</p>	<p>Project Developers</p>	<p>Project Developers shall minimize construction noise disruptions by notifying hospital and medical office staff and residential property owners of construction schedule and activities.</p>	<p>Construction foreman or liaison shall notify the residential neighbors, hospital staff, and medical office and business park tenants in writing about construction schedule and activity information.</p>	<p>Throughout the construction duration, residential neighbors, hospital staff, and medical office and business park tenants shall be notified on a bi-monthly basis in writing about construction schedule and activity information.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
F.2.b. Implement traffic control features, which may include calming strategies, restrictions on heavy truck traffic, and speed limit, to reduce traffic-related noise on Dale Road, between Kiernan Avenue and Pelandale Road.	Project Developers, City of Modesto	Project Developers shall provide traffic control recommendations. City shall implement traffic control plan.	Project Developers, City of Modesto	Traffic control plan to be implemented prior to issuance of occupancy permits.
F.3.a. Implement programs to minimize adverse noise from ambulance traffic.	Project Developers	Project Developers shall require ambulance operators to travel with sirens off when accessing the medical center from the south of Dale Road or Chapman Road between Pelandale Avenue and the emergency room.	Project Developers shall notify ambulance operators of designated travel routes. Ambulance operators shall maintain travel logs and shall submit these to the Project Developers.	Once emergency facilities are operational, ambulance operators shall adhere to ambulance traffic noise restrictions. Travel logs shall be submitted to the Project Developers on a monthly basis.
F.3.b. Evaluate and implement programs to minimize adverse noise from ambulance traffic on vehicle routes.	Project Developers, City of Modesto	Project Developers shall evaluate the regularly used emergency vehicle routes and siren use. The City of Modesto shall schedule and notice a publicly noticed meeting so that additional feasible noise reduction measures can be identified.	The Community and Economic Development Director shall approve necessary changes or establish new ambulance noise restrictions based on documentation submitted by Project Developers and from public comments generated at the meeting.	Evaluation to be submitted to City within 6 months after the emergency room is opened.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
F.6. Implement appropriate noise attenuation measures in proposed hospital facilities.	Project Developers	Project Developers shall submit acoustical treatment design plans with the building permit submittal to the Chief Building Official. Project Developers shall submit certification that appropriate noise attenuation measures are implemented.	The Chief Building Official shall require additional acoustical treatment should exterior noise levels near areas occupied by patients exceed 70 dBA.	Prior to issuance of building permits the Chief Building Official shall ensure implementation of appropriate noise attenuation measures.
F.7. Implement traffic control features, which may include calming strategies, restrictions on heavy truck traffic, and speed limit, to reduce traffic-related noise on Dale Road, between Kiernan Avenue and Pelandale Road. See mitigation measures for Impact F.2.b.	See Mitigation Measure F.2.b.	See Mitigation Measure F.2.b.	See Mitigation Measure F.2.b.	See Mitigation Measure F.2.b.
<b>Hazardous Materials</b>				
G.2. Ensure proper disposal of medical waste.	Project Developers	Project Developers shall develop and implement a <i>Medical Waste Management Plan</i> to establish procedures for handling, treatment and off-site shipment of medical waste and shall provide certified registration obtained from all appropriate agencies.	Stanislaus Department of Environmental Resources shall register the Project Developers as a medical waste handler and issue a permit for on-site autoclaving of medical waste.	<i>Medical Waste Management Plan</i> shall be submitted annually to the Stanislaus Department of Environmental Resources throughout the operation of the medical center.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<b>Hydrology and Water Quality</b>				
<p>I.1.a. Design appropriate retention facilities, if necessary, for the pervious pavement/infiltration trench system for the Kaiser Modesto Medical Center Campus.</p>	<p>Project Developers</p>	<p>Project Developer shall submit retention facility design plans to the City Engineer for review and approval, if necessary.</p>	<p>If necessary, the City Engineer shall ensure that the design is in conformance with the City of Modesto <i>Guidance Manual for New Development Stormwater Quality Control Measures</i>.</p>	<p>The City Engineer shall review all necessary design level retention facility designs for each Phase of development before issuing construction, development or building permits.</p>
<p>I.1.b. Develop and implement a Stormwater Management Plan (SMP) that incorporates the requirements of the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The SMP shall include a post-construction Maintenance Plan that describes the operation plan activities and schedule, the equipment and resource requirements necessary to operate and maintain the facilities, and identification of the responsible party for operation and maintenance. The SMP would also require that the owner/operator enter into a Stormwater Access &amp; Maintenance Agreement with the City of Modesto, which shall include a street sweeping program, hazardous materials storage program, hazardous materials spill prevention and response plan, and pavement inspection and repair program.</p>	<p>Project Developers</p>	<p>Project Developers shall develop a Stormwater Management Plan, a Post-Construction Maintenance Plan, and enter into a Stormwater Access and Maintenance Agreement with the City of Modesto.</p>	<p>The City Engineer shall review and approve the Stormwater Management Plan and Post-Construction Maintenance Plan.</p> <p>The City of Modesto shall oversee the Stormwater Access and Maintenance Agreement.</p> <p>Project Developers shall conduct inspections to ensure approved design are being implemented.</p>	<p>The City Engineer shall approve the plans, and the City of Modesto shall enter into the agreement prior to issuance of permits of any construction phase.</p> <p>The City of Modesto will inspect on a periodic basis in accordance with the Stormwater Access and Maintenance Agreement.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>I.2.a. Design the retention facilities so that infiltration features are constructed to maximize the distance between the base of the infiltration feature and the groundwater table and in no case shall the bottom of the feature be less than ten feet above the groundwater table.</p>	<p>Project Developers</p>	<p>Project Developers shall submit retention facility design plans to the City Engineer.</p>	<p>The City Engineer shall ensure an appropriate design for the retention facilities.</p>	<p>The City shall approve all design level retention facility designs for each phase of development before issuing construction, development or building permits.</p>
<p>I.2.b. Include pollutant source control in the Stormwater Management Plan, including but not limited to the following best management practices:</p>				
<p>All refuse disposal areas and loading bays (and any other similar types of outdoor uses that could impact water quality runoff) shall be either completely contained within enclosed weatherproof structures or designed to capture all runoff, wash water, leaks and spills. For facilities not in enclosures, impermeable berms, drop inlets, trench catch basins, and/or overflow containment structures around these areas shall be used to prevent spilled materials and wash-down waters from entering the storm drain system. The drains shall be connected to a sump(s) for collection and disposal. Direct connection of these areas to the storm drain system is prohibited.</p>	<p>Project Developers</p>	<p>Project Developers shall submit a Stormwater Management Plan to the City Engineer that includes best management practices for refuse disposal areas and loading bays.</p>	<p>The City Engineer shall review the Stormwater Management Plan and ensure that all refuse disposal areas and loading bays are contained or adequately designed.</p>	<p>The City Engineer shall approve the Stormwater Management Plan for each phase of development before issuing construction, development or building permits.</p>
<p>All chemicals and other materials that could contribute pollutants to runoff shall be properly stored and protected from contact with rainfall.</p> <p>(cont'd.)</p>	<p>Project Developers</p>	<p>Project Developers shall submit a Stormwater Management Plan to the City Engineer that includes best management practices for the storage of chemicals and other pollutant-contributing materials.</p>	<p>The City Engineer shall review the Stormwater Management Plan and ensure that the design includes the proper storage of chemicals and other pollutant-contributing materials.</p>	<p>The City Engineer shall approve the Stormwater Management Plan for each phase of development before issuing construction, development or building permits.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p><b>I.2.b. (cont'd.)</b></p> <p>Any outdoor chemical spills shall be promptly mitigated in accordance with the site's Spill Prevention Plan.</p>	<p>Project Developers</p>	<p>Project Developers shall submit a Stormwater Management Plan that includes provisions for a Spill Prevention Plan to the City Engineer for review.</p>	<p>The City Engineer shall review the Stormwater Management Plan and ensure that the Spill Prevention Plan is adequate.</p>	<p>The City Engineer shall approve the Spill Prevention Plan of the Stormwater Management Plan for each phase of development before issuing construction, development or building permits.</p>
<p>Any pesticides and/or fertilizers applied to landscaping shall be done in compliance with a site specific Integrated Pest Management Plan (IPM). The project proponents shall develop and implement IPMs for all landscaped areas. The IPM shall be prepared by a qualified professional approved by the City of Modesto. The IPM shall address and recommend methods of pest prevention and plant management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified. Special attention in the IPM shall be directed toward avoiding persistent pesticides that could leach to the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem. Preventative chemical use shall not be employed. Institutional and biological approaches to pest control shall be more fully integrated into the IPM with an emphasis toward reducing pesticide application.</p>	<p>Project Developers</p>	<p>Project Developers shall submit an Integrated Pest Management Plan to a qualified pest control specialist for certification and to the Public Works Department for review.</p>	<p>The Project Developers shall obtain certification from a qualified pest control specialist and the Public Works Department shall review adequacy of the Integrated Pest Management Plan.</p>	<p>The Project Developers shall submit certification of the Integrated Pest Management Plan to the Public Works Department for each phase of development prior to issuance of construction, development or building permits.</p>

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>I.3. Well abandonment. The water supply wells shall either be:</p>				
<p>Properly abandoned in compliance with the California Department of Water Resources, California Well Standards and Stanislaus County Code, Chapter 9.36 prior to final approval of the grading plan, or inspected by a qualified professional to determine whether each well is properly sealed at the surface to prevent infiltration of water-borne contaminants into the well casing or surrounding gravel pack. The well seal shall be consistent with the California Well Standards. If any of the wells are found not to comply with this requirement, the applicant shall retain a qualified well driller to install the required seal. Documentation of the inspections and seal installations, if any, shall be provided to the City prior to final approval of the grading plan.</p>	<p>Project Developers</p>	<p>Project Developers shall conduct a well survey to determine location and characteristics of each well. The survey shall be conducted by a state-registered geologist or engineer, and results shall be submitted to the City Engineer and the Community and Economic Development Department.</p>	<p>The City Engineer and the Community and Economic Development Department shall review the well survey and determine whether the well be abandoned or sealed.</p>	<p>Prior to approval of a grading permit for development of the medical center and business park.</p>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-424**

**A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 3 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO MODIFY THE LAND USE AND CIRCULATION DIAGRAMS AND DEVELOPMENT STANDARDS FOR THE KAISER MEDICAL CENTER SITE, TO REVISE THE PLANNED STREET SYSTEM IN THE FUTURE BUSINESS PARK, AND TO INCORPORATE DESIGN STANDARDS INTO THE SPECIFIC PLAN (KAISER FOUNDATION HOSPITALS)**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, on November 4, 1997, the City Council by Resolution No. 97-631 adopted Amendment No. 1 to the Kiernan Business Park Specific Plan to add language to allow for changes in utility service providers; and

WHEREAS, on April 7, 1998, the City Council by Resolution No. 98-170 adopted Amendment No. 2 to the Kiernan Business Park Specific Plan to add language to permit indoor theaters in the Regional Commercial Designation within a Planned Development Zone, and

WHEREAS, Kaiser Foundation Hospitals has filed an application to amend the Kiernan Business Park Specific Plan to add a "Medical Campus Subarea"; to

modify development regulations regarding building height and hours of operation in the Medical Campus Subarea; and to realign the planned extension of Technology Drive to the north adjacent to the proposed medical center, and

WHEREAS, City staff is also proposing to amend the Kiernan Business Park Specific Plan to: modify the Specific Plan Circulation Diagram to accommodate the expected traffic from the proposed Medical Center, to accommodate other planning efforts in the area, and to bring the Specific Plan circulation system into conformance with the Modesto Urban Area General Plan; to modify the Bike Paths and Public Facilities Diagrams to match the modified Circulation Diagram; to modify the cross-section of the Class I bike trail on the north side of M.I.D. Lateral No. 6; to incorporate design guidelines into the Specific Plan; and to require administrative approval of site plans and building elevations by the Community and Economic Development Director for otherwise permitted uses in the Specific Plan, and

WHEREAS, in connection with public circulation and review of the Draft Environmental Impact Report for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (SCH No. 2003072085), the proposed amendments to the Kiernan Business Park Specific Plan were released for public review and comment for a 45-day period from March 26, 2004 to May 10, 2004, and

WHEREAS, on July 19, 2004, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Kiernan Business Park Specific Plan, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2004-37, recommending to the City Council an amendment to the Kiernan Business Park Specific Plan to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 10, 2004, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Kiernan Business Park Specific Plan, and

WHEREAS, the proposed specific plan amendment was analyzed by the Final EIR for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (SCH No. 2003072085), and the City Council by Resolution No. 2004-423 has certified the Final EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the Specific Plan is consistent with the Modesto Urban Area General Plan, and the Kiernan Business Park Specific Plan is hereby amended to read as shown on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the Kiernan Business Park Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

**SPECIFIC PLAN AMENDMENT NO. 3 TO THE KIERNAN BUSINESS PARK**

**Proposed Changes to the  
Kiernan Business Park Specific Plan**

## **Proposed Changes to Chapter I**

## Chapter I INTRODUCTION



### A. Purpose

The Kiernan Avenue area represents an important economic resource to the City of Modesto. The Specific Plan area consists of approximately 614 acres located adjacent to the City of Modesto's northern border, east of Highway 99, and south of Kiernan Avenue in a portion of unincorporated Stanislaus County.

The intent of the Specific Plan is to provide for the development of new Business Park and industrial uses and a medical campus in the vicinity of Kiernan Avenue, because of its location adjacent to Highway 99 and North Modesto, a prime job-creating industrial location. The Kiernan Business Park Specific Plan will assist in implementing Modesto's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The Kiernan Business Park Specific Plan serves as a tool to guide the orderly development of land within the Plan area. The purpose of the Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 of the State Government Code.

### A. Background and Planning Process

The City of Modesto first began considering the Kiernan Avenue area as an opportunity for industrial development in the late 1980s when the City Council identified a need for additional industrial land within Modesto's corporate limits. In 1992, as the City began to update its General Plan, the economic consulting firm of Kreines & Kreines was hired to prepare an *Economic Development Strategy* for the City. This study also identified the need for more industrial land and identified the area south of Kiernan Avenue as a prime location.

In 1995, the city of Modesto completed and adopted a revised General Plan, which designates the Plan area for Business Park development. This Specific Plan was initiated early in the General Plan update process to support the City's efforts in attracting employment-intensive businesses to Modesto and in anticipation of implementing a portion of the updated General Plan.

As first steps in the planning process, an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park, and the existing conditions of the area were documented. An initial public meeting regarding the planning process was held on March 16, 1995, at which the public was invited to share their concern and ideas regarding the Specific Plan.

## **Proposed Changes to Chapter III.**

## B. Land Use Policies

Early in the Specific Plan process an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park. Based on forecasted demand and locational opportunities and constraints associated with the Kiernan Avenue area, the *Industrial Development Strategy* identifies a group of target industries for the Kiernan Business Park. Industries in the target group include office-based users interested in the high-end business image provided by north Modesto and more industrial-oriented sectors such as distributing, warehousing, and light manufacturing which favor locations with good access to regional transportation networks.

For these uses, the following issues must be addressed:

- The Business Park will need to accommodate a variety of users including enterprises wishing to combine their office and production activities.
- New uses will require sensitive siting and design to ensure compatibility with adjacent residential development.
- The Business Park could attract large corporate offices at the expense of downtown's central business district.

The following land use policies respond to these opportunities, constraints and issues and will guide development in the Plan area. The policies were developed on the basis of the *Industrial Development Strategy*, the *Recommended Modesto Economic Development Strategy*, and concerns voiced by citizens during the community meetings.

***Policy LU-1: Lands adjacent to existing Landmark Business Center shall be designated for Business Park uses.***

***Policy LU-2: Development of large corporate offices shall be discouraged in the Kiernan Business Park. These uses should be encouraged to locate downtown.***

***Policy LU-3: Adequate buffers shall be provided between business park uses and neighboring residential uses.***

Additional land use policies are provided throughout the remainder of this chapter as applicable.

## C. Land Use Plan Summary

Figure III-1, the Land Use Plan Diagram, identifies three areas, A, B, and C, which are designated for Business Park, Office, and Regional commercial development, respectively. A summary of these areas is presented in Table III-2.

**Table III-2  
LAND USE SUMMARY**

<b>Development Area</b>	<b>Acres</b>
<b>Area A (Business park)</b>	
Phase I	226.6
Phase II	313.8
<b>Subtotal</b>	<b>540.4</b>
<b>Area B (Office)</b>	
Phase I	18.5
Phase II	0
<b>Subtotal</b>	<b>18.5</b>
<b>Area C (Regional Commercial)</b>	
Phase I	55.4
Phase II	0
<b>Subtotal</b>	<b>55.4</b>
<b>Total</b>	<b>614.3</b>

**D. Land Use Designations**

*Policy LU-4: Development shall be required to be consistent with Figure III-1, the Land Use Plan Diagram, which is hereby adopted into this Specific Plan. All subsequent development shall conform to these designated land uses.*

The Specific Plan defines three land use designations for the Plan area: Business Park, Office, and Regional Commercial. Figure III-1, Land Use Plan Diagram, delineates the location and extent of the land use designations in the Plan area. The intent of this Plan is to provide adequate land for both office-oriented, employment-intensive uses and light-industrial uses, and to provide a buffer of non-nuisance uses adjacent to residential areas.

This Plan establishes land use designations for the Plan area that modify existing zones defined in the City of Modesto Zoning Ordinance. The purpose of each land use designation and its allowable uses are described below. Development standards, which establish minimum requirements for development activities, are contained in Section E, Development Criteria, of this chapter.

**1. Area A – Business Park**

*Policy LU-5: All development in Area A, as shown in Figure III-1 and designated Business Park, shall be required to conform with the uses and regulations of the Business Park (B-P) Zone (Sec. 10-2.1601 et seq. of the Modesto Municipal Code), except where other wise noted below or in Section E, Development Criteria.*

- a. Purpose. The Business Park designation is intended to accommodate the development of modern, employment-intensive office and non-nuisance light industrial space. The principal development and employment generating uses allowed within this designation are characterized by research, product development, professional office, limited manufacturing and distribution, and commercial business services intended to support the immediate area. Development within this district should support the creation of a campus-like environment for office, light production, or warehouse uses in high quality single- or multiple-occupant buildings. Medical-related uses shall be allowed and

encouraged in the Medical Campus Subarea of Area A. The Medical Campus Subarea is indicated "MC" in Figure III-1.

- b. Allowable Uses. The land uses allowed in Area A shall be those allowed in the B-P Zone, except where noted below. Examples include:
- Light industrial uses such as the manufacture of electronic machinery, photographic and optical goods, furniture, apparel, fabricated plastic and rubber products.
  - Research and development uses such as laboratories, printing and publishing, and records processing centers.
  - Offices
  - Wholesale and retail sale of goods produced on the premises.
  - Business services, personal services, retail trade, and restaurants incidental to and serving the needs of industries.
  - In the Medical Campus Subarea, businesses related to medical and health services shall be allowed, such as a hospital, medical office buildings, service buildings, parking structures, and ancillary uses.
- c. Modifications to Allowable Uses.
- (1) All offices, regardless of the number of employees, will be allowed without the need for a Conditional Use Permit. However, large corporate offices should be encouraged to locate downtown, rather than in the Kiernan Business Park.
  - (2) Permitted uses shall include any other uses which the Community Development Director may determine to be compatible with and of the same general character as the uses mentioned above. In exercising discretion under this part, the Community and Economic Development Director shall be guided by the principle that the Kiernan Business Park is intended to facilitate the development of office/industrial park complexes distinguishable in appearance and purpose from typical office/industrial areas, that the uses will not adversely impact the permitted uses and adjacent residential areas, or generate traffic in excess of the amount predicted in the Kiernan Business Park EIR.

## 2. Area B – Office

*Policy LU-6: Require all development in Area B, as shown in Figure III-1 and designated Office, to conform with the uses and regulations of the Professional Office (P-O) Zone (Sec. 10-2.901 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.*

- a. Purpose. The office designation provides for business and professional offices, institutions and related services, in areas adjacent to related activity centers. The designation is intended to support nonresidential uses of a less intensive nature than allowed in commercial zones adjacent to residential areas. Compatibility is ensured through development standards, which are noncommercial in nature.

b. Allowable Uses. The land uses allowed in Area B shall be those allowed in the P-O Zone, with the exception that no residential uses shall be allowed. Examples of allowed uses include:

- Business offices, such as real estate, insurance, and stock broker
- Medical and dental offices.
- Professional offices such as accountants, attorneys, architects and engineers.

### 3. Area C – Regional Commercial

*Policy LU-7: All development in Area C, as shown in figure III-1, designated Regional Commercial, shall be required to conform with the uses and regulations of the Highway Commercial (C-3) Zone (Sec. 10-2.1201 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.*

a. Purpose. The Regional commercial designation is intended to accommodate limited retail uses that are generally dependent on a regional rather than a local population for their support.

b. Allowable Uses. The land uses allowed in Area C shall be those allowed in the C-3 Zone, except where noted below. Examples include:

- Department stores
- Volume discount department stores
- Home Improvement, hardware stores (not stores devoted exclusively to lumber or any other building material)
- Automobile dealers

c. Modifications to Allowable Uses

- (1) No residential uses are allowed in Area C.
- (2) No radio/TV transmitters are allowed in Area C
- (3) Indoor theatres are allowed with a Planned Development Zone, as specified in Section 10-2.1703 of the Municipal Code.

### E. Development Criteria

This section provides the standards and criteria by which development in the Kiernan Business Park will proceed including performance, development and supplemental development standards in compliance with Section 65451 (a) (3) of the California Government Code. These development standards are intended to create an integrated development pattern and encourage complementary development while allowing flexibility.

*Policy LU-8: All Development in this Specific Plan shall conform to all applicable City zoning and other regulations except where otherwise noted.*

1. Development Standards

*Policy LU-9: Development shall be required to meet the following development standards, which are hereby adopted into the Specific Plan. All subsequent development shall conform to these standards.*

- a. Area A. All development in Area A will be subject to the development standards of the B-P Zone, with the following exceptions:
1. All development shall be subject to Plot Plan Review by the Community and Economic Development Director.
  - ~~2.~~ There is no minimum lot size.
  - ~~3.~~ Maximum building height is limited to three stories or 45', whichever is less, for those parcels adjacent to that portion of M.I.D. Lateral No. 6 and the bike trail adjacent to the Fleur de Ville subdivision, except for the Medical Campus Subarea, which shall have a height limit of 95 feet. All other parcels are not subject to this height limitation.
  - ~~4.~~ All development on parcels adjacent to the planned bike path along the north side of M.I.D. Lateral No. 6 shall have an eight-foot-high decorative wrought-iron fence on the property line adjacent to the bike path right-of-way and the MID lateral. This requirement may be adjusted in the Medical Campus Subarea in the site review process to achieve the purpose of this requirement while encouraging an aesthetically desirable result.
  - 4 5. All developments in Area A adjacent to that portion of MID Lateral No. 6 and the planned bike path right-of-way abutting the Fluer de Ville subdivision shall be subject to Plot Plan Review by the Community and Economic Development Director. All staff determinations are appealable to the Board of Zoning Adjustment. This development shall be subject to the following additional development standards:
    - A 10-foot wide screen landscaping buffer on the north side of the fence. The landscaping installed should be fast-growing, evergreen shrubs or trees, designed to achieve a height of 15 feet within five years, with an automatic irrigation system. The landscaping shall be as approved by the Director of Parks ~~and Recreation.~~ Recreation and Neighborhoods.
    - Loading docks shall be oriented away from the residential uses to the south.
    - Hours of operation shall be limited to 7 AM to 10 PM, including loading dock operations. This requirement does not apply to the Medical Campus Subarea. Limited exception to these hours' limitations may be allowed subject to a Conditional Use Permit approved by the Board of Zoning Adjustments.
- b. Area B. All development in Area B shall be subject to the development standards of the P-O Zone, with the following exceptions:

1. All development in Area B shall be subject to Plot Plan Review by the Community Development Director. All staff determinations are appealable to the Board of Zoning Adjustment.
  2. All development adjacent to the Fleur de Ville subdivision shall include a 10-foot wide screen-landscaping buffer adjacent to the Fleur de Ville subdivision. The landscaping installed should be fast-growing, evergreen shrubs or trees, designed to achieve a height of 15 feet within five years, with an automatic irrigation system. The landscaping shall be as approved by the Director of Parks and Recreation.
  3. There is no minimum lot size.
- c. Area C. All development in Area C will be subject to the development standards of the C-3 Zone, with the following exception:
1. There is no minimum lot size.
- d. Plan Area. The following development standards shall apply to all subsequent development within the Specific Plan area including Areas A, B and C. Under these standards, the Community and Economic Development Director shall have the discretion to approve alternative design features which accomplish the design goals of the Specific Plan, unless otherwise prohibited by the General Plan or Municipal Code.
- (1) Required Parking and Loading Areas. All uses in the Plan area shall provide adequate space for parking, loading, outdoor storage and refuse areas on site. These areas shall be screened from view as described below in the Landscaping and Screening subsection. Requirements for off-street parking in the Kiernan Business Park shall be as set forth by Article 20 of the City of Modesto Zoning Ordinance.
  - (2) Limited Access. Vehicular access to individual parcels shall be prohibited along the following street frontages, unless it meets the requirements of General Plan Policy V-4.c.(4).
    - Kiernan Avenue east of Chapman Road
    - Pelandale Avenue east of Dale Road
  - (3) Landscaping and Screening. When landscaping is required by this Specific Plan or the Principle Underlying Zoning, it shall be consistent with Section 10-2.2309 Landscape Plans and Maintenance of Modesto Zoning Ordinance. The landscape standards and guidelines recognize that landscape is of great importance to the establishment of the design and character of the Kiernan Business Park. The standards and guidelines are intended to provide for a neat and well-maintained appearance in areas not covered by buildings or parking, to enhance the existing site character, to minimize the adverse visual and environmental impacts of large, paved areas and to promote the conservation of water.
- The landscape standards and guidelines for general landscaping within the Kiernan Business Park define a strong overall landscape planting framework that creates an aesthetically pleasing environment. The concept includes establishing an overall image and visual order to the business park; provides an urban forest to create shade in summer; allow solar gain in the wintertime; buffer particular uses; provide tree-shaded corridors

for pedestrians; create a pedestrian-scale at active areas; and encourage water conservation techniques.

- (a) *Front Side and Street Side Yards.* All front yards, required side yards, and rear yards abutting a street shall be landscaped and maintained. Street trees will be planted and maintained along street frontage within the street right-of-way and encouraged within front and street side yards. When right-of-way area between the sidewalk and the front or street side property line exists, it shall be incorporated into the adjacent landscaped area and treated and maintained as a unit. The owner, lessee or occupant shall be responsible for maintaining this area.
- (b) *Screening and Landscaping of Parking Areas.* Landscaping and screening of parking areas shall be in accordance with the provisions of Sections 10-2.2006 and 10-2.2007 of the City's Zoning Ordinance. Additionally, street level views of all automobile and truck parking areas shall be screened within the required setback. Such screening shall include, but not be limited to, low hedges, berms, shrub or tree masses, and/or fences with a minimum height of three feet.
- (c) *Screening and Landscaping of Outdoor Storage or Loading Areas.* For all uses in the Plan area, outdoor storage of materials and equipment incidental to the primary activity is permitted provided the outside storage area is screened by a view-obscuring wall or fence. Such screening ~~may~~ should include landscaping and/or architectural features such as walls compatible with the surrounding buildings and environment. The use of free-standing storage facilities, cargo containers, trailers, etc. is prohibited unless completely screened from view.
- (d) *Screening of Refuse Areas.* Dumpsters and other refuse receptacles shall be located out of view or screened from the public rights-of-way and adjacent properties. ~~Such screening shall be compatible with the surrounding buildings and environment.~~ Trash enclosures should be designed with the same materials, finishes, and colors as the adjacent building. Solid metal gates shall be provided. Trash enclosures shall have a minimum three-foot (3') wide landscape planter on all non-accessible sides, with climbing vines to prevent graffiti and soften the look (see also Section (8)).
- (e) *Street Trees.* Street tree planting and maintenance throughout the Plan area will be in accordance with the provisions and standards set forth by the City of Modesto Street Tree Master Plan and Title 12, Chapter 5 of the Modesto Municipal Code establishing the City's Street Tree Program. The city will determine tree selection and will be responsible for placement, planting and maintenance for all street trees placed within public rights-of-way or planting easements established between private property owners and the City. Fees shall only be assessed for new street tree plantings.
- (f) *Screening of utility services.* All utility service including meters, vaults, sprinklers, etc. and all service areas shall be screened by a combination of walls and/or landscape materials including trees, shrubs, vines, and groundcovers. Other considerations should include existing walls and fences which may be softened to minimize height and mass with the use of vines and shrubs. Proposed utility vaults should be shown on site plans so that proper landscaping can be determined. Transformers, where required, shall be screened as described for

trash enclosures, or by using landscape screening devices such as five-gallon shrubs at three-foot (3') on center, minimum.

(g) General Landscaping Standards.

i. A single species of tree should not be used for large discreet areas to insure biological diversity.

ii. Trees and shrubs should be used to create a natural setting and shall not be pruned or clipped into balled or boxed forms.

iii. Landscape design and plant material selection should encourage drought tolerant species. Use of turf should be limited to accent areas, activity areas, or in parkways, between sidewalk and street or in open space corridors or detention basins.

iv. All required landscaping shall be continually preserved and maintained, including watering, weeding, fertilizing, spraying, pruning, root aeration, and irrigation repair.

v. Plant materials should be used in front of buildings to break up long walls, including the use of trellis-type structures to encourage vertical growth on long walls.

vi. Prior to planting, tree wells shall be prepared to insure adequate relief from soil compaction incurred in the establishment of the parking lot.

(4) Architecture. The purpose of the architectural design guidelines is to provide an orderly and aesthetically pleasing development of high-quality architecture. The buildings in the Kiernan Business Park should incorporate the concepts of conservation and regional vernacular through the design of unique architectural character that defines a symbiotic relationship between the users, the architecture and the natural environment. All buildings, therefore, should conform to the following sets of guidelines.

(a) All elevations of a building facing public streets should contain elements drawn from those in the primary frontages.

(b) Buildings in the Kiernan Business Park should be designed to create a harmonious image through the use of design, including materials, color, texture, proportions, and rooflines.

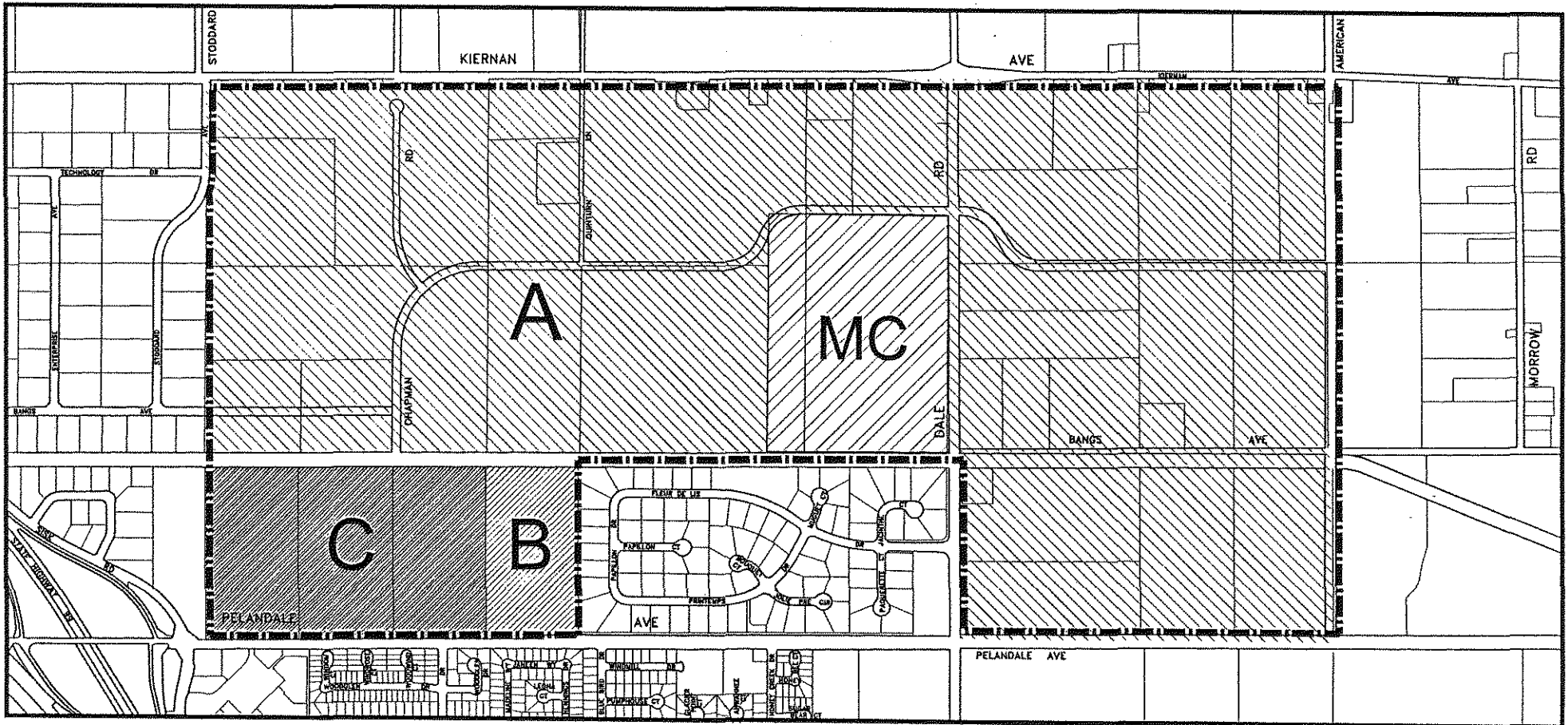
(c) Building should be visually broken up by changing volumes, articulating walls, varying heights and using ornamentation.

(d) The acceptable primary building materials are site cast concrete, architectural precast concrete, brick, concrete masonry units (CMU), or an Exterior Insulation and Finish System (EIFS). Concrete masonry unit walls should be either integrally colored, or textured and integrally colored. All other concrete masonry units should be finished with a plaster base coat then a plaster finish coat. No painted block walls should be permitted. Site-cast concrete should be finished with a textured elastomeric. Metal finishes should be limited to colorized aluminum or steel. Metal should not be allowed as the primary building material and will be limited to a maximum of twenty-five percent (25%) of the total finish. Blank walls should be prohibited.


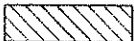

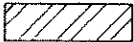

- (e) A variety of facades, finishes, and patterns should be encouraged. Site-cast concrete for example, should include areas defined by reveals, textures (sandblast finish, architectural formwork), and varying wall planes to provide visual interest and character.
- (f) The two main components of the Kiernan Business Park building types are the office/administrative, and warehouse:
- Office/administrative buildings should have pedestrian scale, including but not limited to windows, awnings, trellises, planters, and material changes. The building should maintain a minimum ratio of fifty-percent (50%) glass. The building should provide an overhead plane located at the building main entry to emphasize pedestrian scale. It should project from the wall a minimum distance of one-quarter (1/4) of the building height, and extend a minimum of six-feet (6') past either side of the main entry doors(s).
  - Warehouses should provide a combination of colors and patterning within the wall panels. The primary building color should be comprised of a maximum of seventy-five percent (75%) of the building finish and no primary area should exceed twenty-two hundred square feet (2,200 SF) before being differentiated. The secondary color should comprise a maximum of twenty-percent (20%) of the building finish. The remaining five-percent (5%) should be comprised of a tertiary color.
- (g) Parcels located in the high-visibility business park areas along Kiernan Avenue (State Route 219), Dale Road and Pelandale Avenue should include all of the above-mentioned plus at least one of the following:
- Office – Should include an increase in the proportion of glass to a minimum of sixty-percent (60%). Fifty-percent (50%) of the wall panels or glass should be articulated a minimum of three-feet (3').
  - Warehouse – Should incorporate articulated wall panels at a minimum of one per ninety lineal feet (90 LF) of building with a minimum offset of one-foot (1'), or the use of pilasters at a minimum of one per sixty lineal feet (60 LF) of building and a minimum offset of one-foot (1'). Rooflines should be broken up at a minimum of once every ninety lineal feet (90 LF). The use of landscaping utilizing trellises or climbing vines to break up long walls is encouraged.
- (h) The use of metal finishes should be limited to architectural detailing and ornamentation, such as breaking up wall massing with metal banding; highlighting recessed wall panels, columns, or other components; emphasizing main entries or office portions of buildings.
- (i) Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge, placed behind a parapet wall, or in a wall, so they are not visible to motorists or pedestrians on the adjacent roads or streets.

- (j) Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors, and forms. Wood lattice and fence-like coverings should not be used as screening materials.
- (k) Retaining walls should not be constructed of wood but of permanent materials, (i.e., concrete, brick, masonry). Block walls should use integrally colored masonry units. No painted block walls should be permitted.
- (l) Building trim should be painted.
- (5) Site Furnishings. Site furnishings such as benches, bollards and trash receptacles should be consistent with the design character of Kiernan Business Park.
- (6) Hardscape Elements. The use of enhanced paving treatment is encouraged at building entry areas. Examples of enhanced materials include stamped concrete, stained or integral colors, scored patterns, and special finishes such as exposed aggregate and pavers. Paving materials should serve as a primary means of unifying the appearance of the project while at the same time providing interest and character to key areas.
- (7) Walls and Fences.
  - (a) Walls and fences for the Kiernan Business Park should complement the building design and the prevailing materials and design elements in the project.
  - (b) Walls shall be concrete masonry unit or brick. Block walls shall be integrally colored masonry units. No painted block walls shall be permitted.
  - (c) Climbing vines should be utilized on walls to soften the look of the wall and reduce graffiti.
- (8) Trash Enclosures. In addition to the screening requirements listed above (see Section 3 (d)), all trash enclosures shall conform to the following requirements.
  - (a) Trash enclosures shall be designed and located so as to be convenient for deposit of refuse generated on-site.
  - (b) Trash enclosures shall not be permitted within the landscape setback area.
  - (c) Refuse collection vehicles are to have clear and convenient access to these areas.
- (9) Site Lighting.
  - (a) Site lighting of the Kiernan Business Park shall provide a safe, pedestrian-friendly environment for the employees, visitors and general public.
  - (b) Lights shall be placed to direct and control glare, obtrusive light, light trespass, and upward directed wasted light.
  - (c) All light fixtures visible from public streets should be concealed source / full cut-off fixtures except for pedestrian oriented lights.
  - (d) Light standards for parking areas shall not exceed thirty-feet (30') in height.

- (e) Lighting shall provide illumination that meets foot-candle requirements established by the City of Modesto Municipal Code and adopted standards.
  - (f) Parking lot lights shall be or similar to Gardco fixture Gullwing G13 or Gardco Circa CR-20 or CR-25, 250W or 400W, high pressure sodium (HPS) lights, with straight round poles painted to match that of the luminaries, or other light fixtures as approved by the Community and Economic Development Director.
  - (g) Lights in parking lots shall be on three-foot (3') high concrete bases.
  - (h) Lights in parking lots shall not be co-located with trees in the planters. The lighting and landscape plan must be fully integrated and coordinated.
  - (i) Service area lighting shall be contained within the service yard boundaries and enclosure walls. No light spillover shall occur outside the service area. The light source shall not be visible from the street. Full cut-off luminaries shall be used.
  - (j) Building illumination and architectural lighting shall be indirect. Floodlights are prohibited.
  - (k) The use of low-level lighting to enhance the architecture, landscape, or other features is encouraged.
  - (l) Architectural lighting should articulate the building design as well as provide functional lighting for the safety of pedestrian movement.
  - (m) Security lighting fixtures shall not project above the fascia or roofline of the building and are to be shielded. The shields shall be painted to match the surface to which they are attached. All security lighting designs shall be fully shielded (full cut-off) and subject to City of Modesto approval.
- (4 10) Signage. All signs shall conform to Article 21, Sign Regulations, of the City's Zoning Ordinance. Within the Medical Campus Subarea, signs be as approved in conjunction with the entitlements for the medical campus.



Legend :

-  Specific Plan Area Boundary
-  Area A - Business Park
-  Area B - Office
-  Subarea MC - Medical Campus Subarea
-  Area C - Regional Commercial

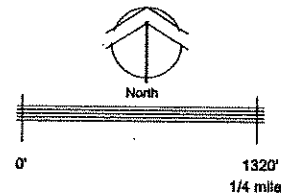


Figure III-1  
Land Use Plan  
Diagram

KIERNAN  
BUSINESS PARK

## **Proposed Changes to Chapter IV.**

## B. Existing and Planned Areawide Circulation

### 1. Existing Roads

The Kiernan Business Park area is currently served by the following highway and roadways:

- *State Route 99 (Highway 99)*: Highway 99 is a north-south freeway facility providing six travel lanes to the west of the project. Highway 99 provides access throughout the Central Valley connecting Sacramento, to the north; to Merced, Fresno, and Bakersfield, to the south. It also provides access to other routes serving the San Francisco Bay Area.
- *Kiernan Avenue: (State Route 219)*: Kiernan Avenue is an east-west, rural arterial that provides two travel lanes and is controlled by unsignalized intersections. It connects Highway 99 to McHenry Avenue (State Route 108). This segment of Kiernan Avenue is designated part of the state Highway system.
- *Pelandale Avenue*: Pelandale Avenue is an east-west, two-to-four lane facility. It runs between Highway 99 and Dale Road. Pelandale Avenue is planned to function as an expressway.
- *Dale Road*: Dale Road is a rural, north-south, two-lane road that connects Kiernan Avenue to Pelandale Avenue and provides local access.
- *Chapman Road*: Chapman Road is a rural, north-south, two-lane road that runs between Kiernan Avenue and the Modesto Irrigation District (MID) Lateral No. 6.

### 2. Planned Areawide Circulation

As part of development included in the City of Modesto General Plan, the surrounding and internal transportation network for the Specific Plan Area would be expanded and modernized. Under ultimate build-out of the City's General Plan (estimated at the year 2025), both Kiernan Avenue and Pelandale Avenue (east of Dale Road) would be improved to six-lane expressways. In addition, Chapman Road would be extended to the south to intersect with Pelandale Avenue and improved to a four-lane arterial, and Dale Road would be improved to a four-lane arterial.

Figure IV-1, Circulation Plan Diagram, shows the proposed roadway system in the Specific Plan area. This roadway system was designed using the City of Modesto's Transportation Model and in coordination with City of Modesto planning and public work staff. ~~It should be noted that this system differs from the network included in the City's adopted General Plan and shown on Figure V-1, Circulation and Transportation Diagram in the General Plan. The difference is that the previously proposed Dakota Avenue flyover of Highway 99 has been removed, and Dakota Avenue is now expected to tie into the West Side of the Pelandale Avenue Expressway interchange with Highway 99. Kiernan Avenue is designated a six-lane arterial along its existing alignment, and Chapman Road is designated a minor arterial to provide a link between Kiernan Avenue and Pelandale Avenue.~~

## C. Specific Plan Area Circulation

In order to plan for the future travel demand in the Kiernan Business Park, traffic forecasts were generated for build-out of the Specific Plan land uses as show on the Land Use Plan Diagram (Figure III-1) in Chapter III. The traffic forecasts used the City of Modesto traffic model, which incorporates

planned development in the vicinity of the Kiernan Business Park as identified in the Modesto General Plan.

***Policy C-1: Roadways shall be developed according to Figure IV-1, Circulation Plan Diagram that is hereby adopted into this Specific Plan. All subsequent development shall conform to this diagram.***

Figure IV-1, Circulation Plan Diagram shows the proposed road classifications, internal street layout, and transit turnout locations for the Kiernan Business Park. ~~Four~~ Five roadway facility types are included within the Specific Plan area: six-lane principal arterials, four-lane minor arterials, four-lane major connectors, two-lane industrial connectors, and two-lane minor connectors. In addition to these facility types, the Specific Plan area is bounded on the north and south by six-lane expressways.

Access to the Kiernan Business Park would be made primarily from Chapman Road/Quinturn Lane and Dale Road, which are four-lane, signalized, north-south arterials that intersect with the planned Kiernan and Pelandale expressways. Chapman Road will be realigned north of M.I.D. Lateral No. 6 to curve to the east and connect to Quinturn Lane. Quinturn Lane will connect to Kiernan Avenue at a new signalized intersection. Roundabouts are planned at two locations: the three-way intersection of Chapman Road, Quinturn Lane, and the four-lane major connector street; and at the intersection of Dale Road and Bangs Avenue. Three arterial intersections serve as gateways: Kiernan Avenue at Quinturn Lane ~~Chapman Road~~, Pelandale Avenue at Chapman Road, and Kiernan Avenue at Dale Road. Because of their functions as gateways, Chapman/Quinturn and Dale Roads have been planned with generous median and sidewalk landscaping.

Internal access to parcels within the Specific Plan area will be provided from a planned east-west, two-and-four-lane industrial connector street. The new industrial connector has been planned with generous landscape areas. The Bangs Avenue segment from Dale Road to just west of American Avenue is planned as a two-lane industrial connector ~~terminating in a cul-de-sac~~. ~~Four~~ Two two-lane, minor connectors also provide internal access. These include an extensions of Bangs Avenue and Technology Drive from Landmark Business Park to Chapman Road and an extension of American Avenue from Kiernan Avenue to Pelandale Avenue, and a new north-south cul-de-sac between Chapman Road and Dale Road to connect with the planned Kiernan Avenue expressway. In addition, the remaining portion of Chapman Road north of the realignment will be designated a minor connector and the current connection to Kiernan Avenue will be replaced by a cul-de-sac bulb.

The Specific Plan circulation system provides access to most parcels via industrial and minor connector streets. Most of the connectors provide east-west connections to north-south arterials, Chapman Road/Quinturn Lane and Dale Road. A north-south connection between the Kiernan Avenue and Pelandale Avenue expressways is provided via the American Avenue extension east of Dale Road. ~~A connection to Kiernan Avenue is provided via a new north-south cul-de-sac between Chapman Road and Dale Road. These connections~~ This connection would provide right-turn-in/right-turn-out access only, as shown on the Circulation Plan Diagram.

In order to allow some flexibility in the types of uses and sizes of various parcels, local streets have not been included in the Specific Plan network, but are assumed to be part of future development. Local streets will be designed as part of the tentative subdivision map application. Local street connections should be made to connectors and arterials, and direct connections to expressways should be prohibited.

***Policy C-2: The City shall promote the improvement and development of Kiernan Avenue and Pelandale Avenue and their connection to Highway 99 to accommodate future development in the Kiernan Business Park area.***

***Policy C-3: Property owners shall be required, through the discretionary permit process, to reserve right-of-way for Kiernan Avenue expressway and Pelandale Avenue expressway.***

*Policy C-4: Direct connector street, local street or driveway connections to expressways will be allowed only under the following criteria:*

- a. *For connections to Kiernan Avenue and Pelandale Avenue east of Dale Road (Class B expressway):*
  - *No driveway connections are permitted*
  - *Only connector street connections with right-turn-in/right-turn-out treatment are allowed at a minimum spacing of one-quarter mile.*
- b. *For connections to Pelandale Avenue west of Dale Road (Principal Arterial Class-C expressway):*
  - *Driveway connections with right-turn-in/right-turn-out treatment are allowed at a minimum spacing of 300 feet.*
  - *Local and connector street connections are allowed with permitted right-turns in, right-turns out and left-turns in (when left turn pockets are provided in the median) and a minimum spacing of ~~one-half~~ one-quarter mile.*

*Policy C-5: The City shall promote the development of local road circulation facilities that connect to connector and arterial streets shown in the Circulation Plan Diagram to adequately serve the planned land uses in the Kiernan Business Park.*

*Policy C-6: Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.250 et seq.), and/or any other 'development' as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.*

- a. *All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.*
- b. *All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following:*
  - 1.. *Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to the year 2025.*
  2. *Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.*
  3. *Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be*

*defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.*

- c. *In making these determinations, this list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list:*

*Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.*

## 1. Street Sections

Typical street sections for the various facility types (with the exception of Kiernan Avenue) are shown in Figures IV-2, IV-3, and IV-4. The street sections have the following characteristics:

- Street sections include generous landscaped areas both in the medians of arterials and the edges of arterials and connectors;
- Arterial street sections include service/bike lanes to reduce congestion associated with vehicle breakdowns and other incidents and to promote bicycle commuting;
- On-street parking will not be provided on arterial or connector streets, but can be included on local streets at the discretion of the City during the subdivision review process; and
- Sidewalks are provided within road right-of-way to encourage pedestrian connections between transit stops and business park uses.

*Policy C-7: All roadways shall be developed in accordance with the sections shown in Figure IV-2, IV-3, and IV-4 Cross Sections, which are hereby adopted into this Specific Plan. All subsequent development shall conform to these street sections.*

*Policy C-8: Public and private road design shall be required to follow all road standards of this Specific Plan and the Modesto General Plan.*

2. **Primary Gateways.** The Kiernan Business Park shall have primary gateways at the following intersections:

- Pelandale Avenue with Chapman Road
- Kiernan Avenue with Quinturn Lane ~~Chapman Road~~, and
- Kiernan Avenue with Dale Road.

Buildings at these entry points, shall be oriented toward and reinforce the gateway concept. These building will be highly visible and set the tone for future development in the Business Park.

At these three distinct points, consistent design elements and landscape treatment shall be used to articulate the gateway and boundary of Kiernan Business Park, as presented in the adopted "Kiernan Business Park Gateway Concept Feature Context Plan Report". The Kiernan/Chapman

and Pelandale/Chapman Gateways shall be framed by Business Park uses to reinforce the Park's identify and capitalize on locational associations with the established Landmark Business Center. The Kiernan/Dale Gateways should be framed by and in proximity to Industrial type uses. This gateway, through its design, location and surrounding land uses, will accommodate the bulk of heavy truck traffic. Each gateway shall be emphasized with planting, special paving treatment and signing.

These gateways will be constructed and maintained through the establishment of a Mello-Roos Community Facility District over the Plan area.

### 3. Bicycle and Bus Circulation

***Policy C-9: The City shall develop Class I Bike Paths along Pelandale and Kiernan expressways and along the north side of MID Lateral No. 6 and Class II Bike Lanes on minor arterial and collector streets as shown on Figure IV-5, Bike Paths, which is hereby adopted into this Specific Plan. All subsequent development shall conform with these planned bike facilities.***

As shown on the Bike Path diagram (Figure IV-5), continuous and connective bike facilities have been planned for the Specific Plan area as follows:

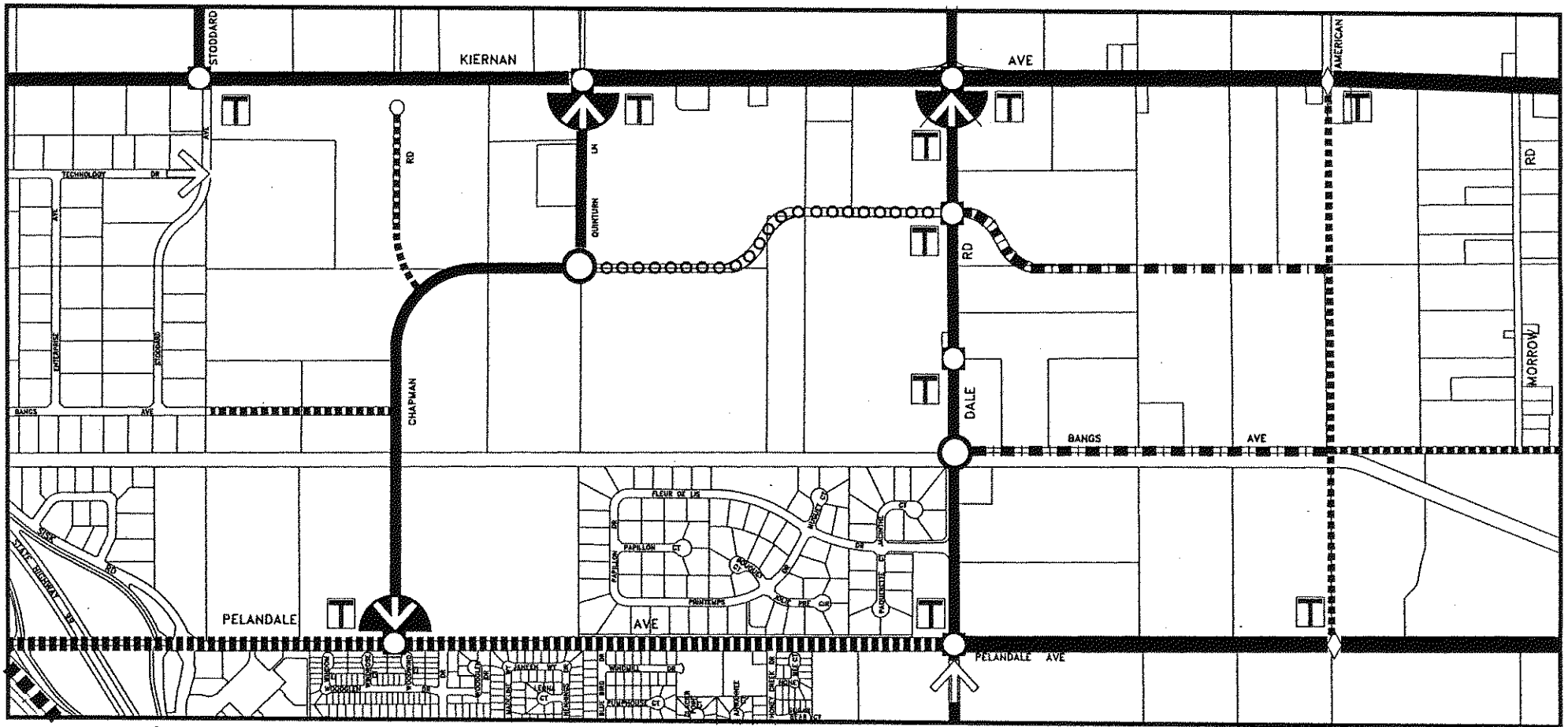
- Expressway facilities (Pelandale and Kiernan Avenues) will provide Class I Bike Paths;
- A Class I Bike Path is planned along the north side of the Modesto Irrigation District (MID) Lateral No. 6 (as shown in Figure IV-6); and
- Minor arterial and connector streets will provide Class II Bike Lanes.

Local streets should be planned to encourage low speeds and minimize cut-through traffic so that bikes can safely share the road with vehicular traffic.







All streets shown on the Circulation Plan Diagram can accommodate bus routes and the landscape improvements can include locations for bus turnouts. Potential locations and design of turnouts are shown on the Circulation Plan Diagram. Bus turnouts have been provided along the Kiernan and Pelandale expressways, where bus routes are proposed. Additionally, bus stops should be provided within the Kiernan Business Park if a decision is made to extend bus service on to streets within the Kiernan Business Park.








***Policy C-10: The City shall provide for development of a bicycle system that will provide a safe and convenient means of transportation for bicyclists that encourages commuting by bicycle.***

***Policy C-11: Future development shall provide for bicycle parking and related facilities such as lockers and showers, in accordance with Bicycle Master Plan.***



Legend :

-  Primary Gateway
-  Secondary Entrance
-  Roundabout
-  Traffic Signal
-  Right Turn In/Right Turn Out
-  Transit Turnout

-  6 Lane Class B Expressway
-  6 Lane Class C Expressway
-  6 Lane Principal Arterial
-  4 Lane Minor Arterial
-  4 Lane Major Collector
-  2 Lane Industrial Connector
-  2 Lane Minor Connector

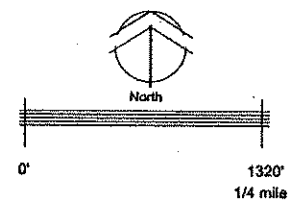


Figure IV-1  
Circulation Plan  
Diagram

KIERNAN  
BUSINESS PARK

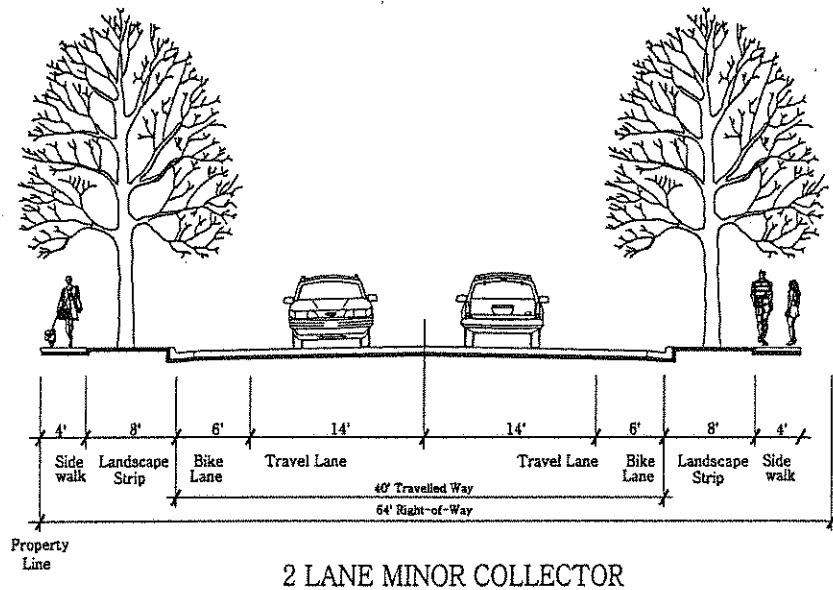
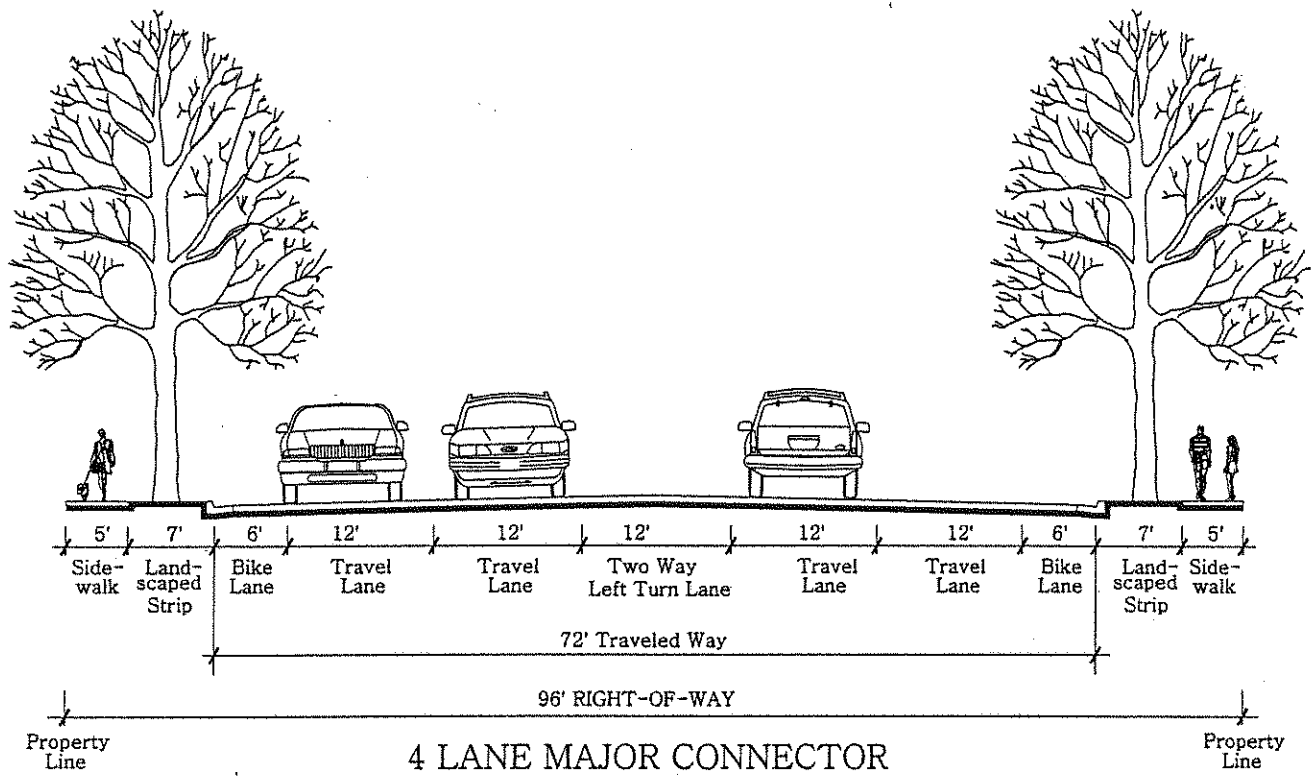
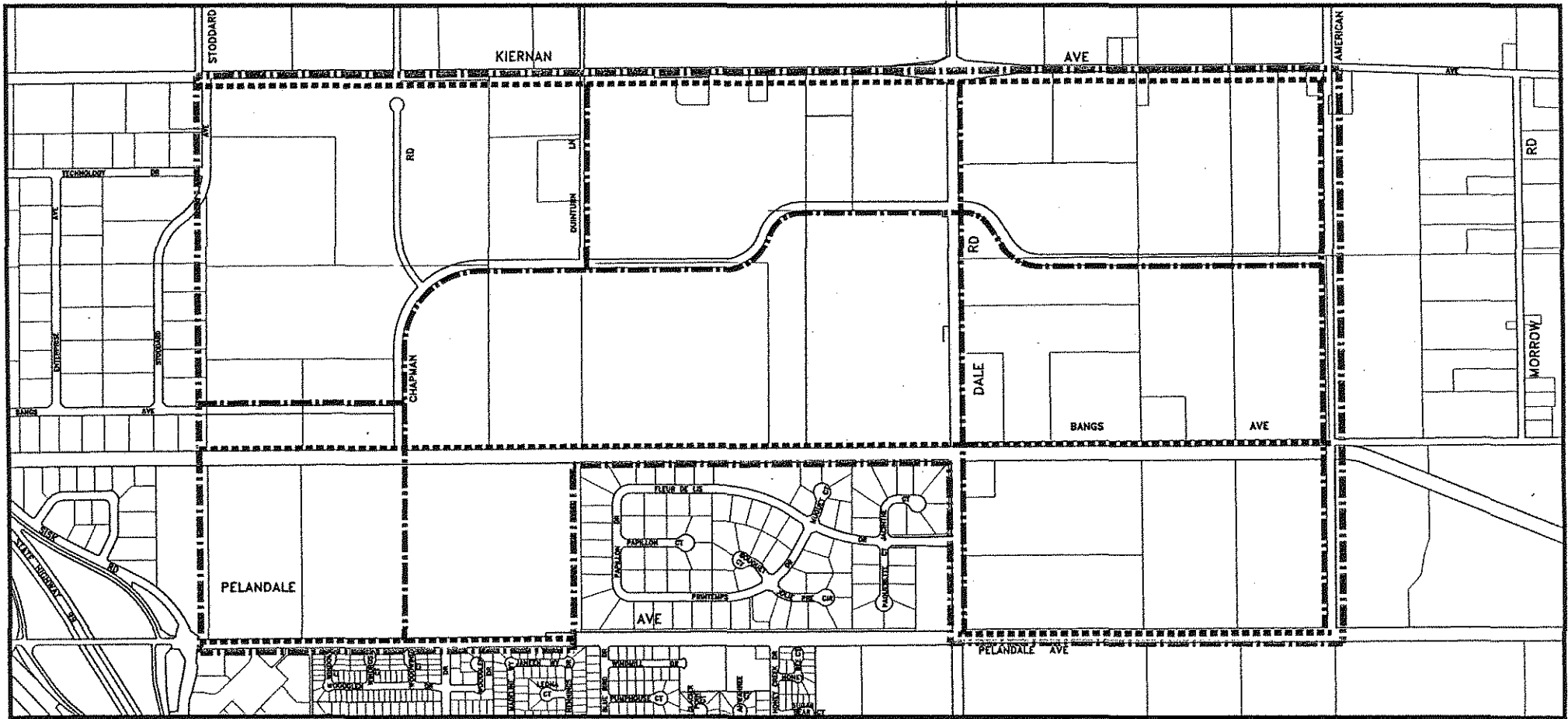





Figure IV-4  
Major Connector and Minor Connector



Legend :

-  Specific Plan Area Boundary
-  Class I Bike Path
-  Class II Bike Lane

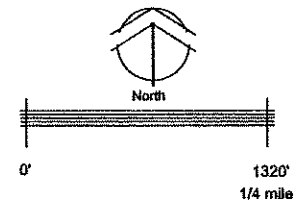


Figure IV-5  
Bike Paths

KIERNAN  
BUSINESS PARK

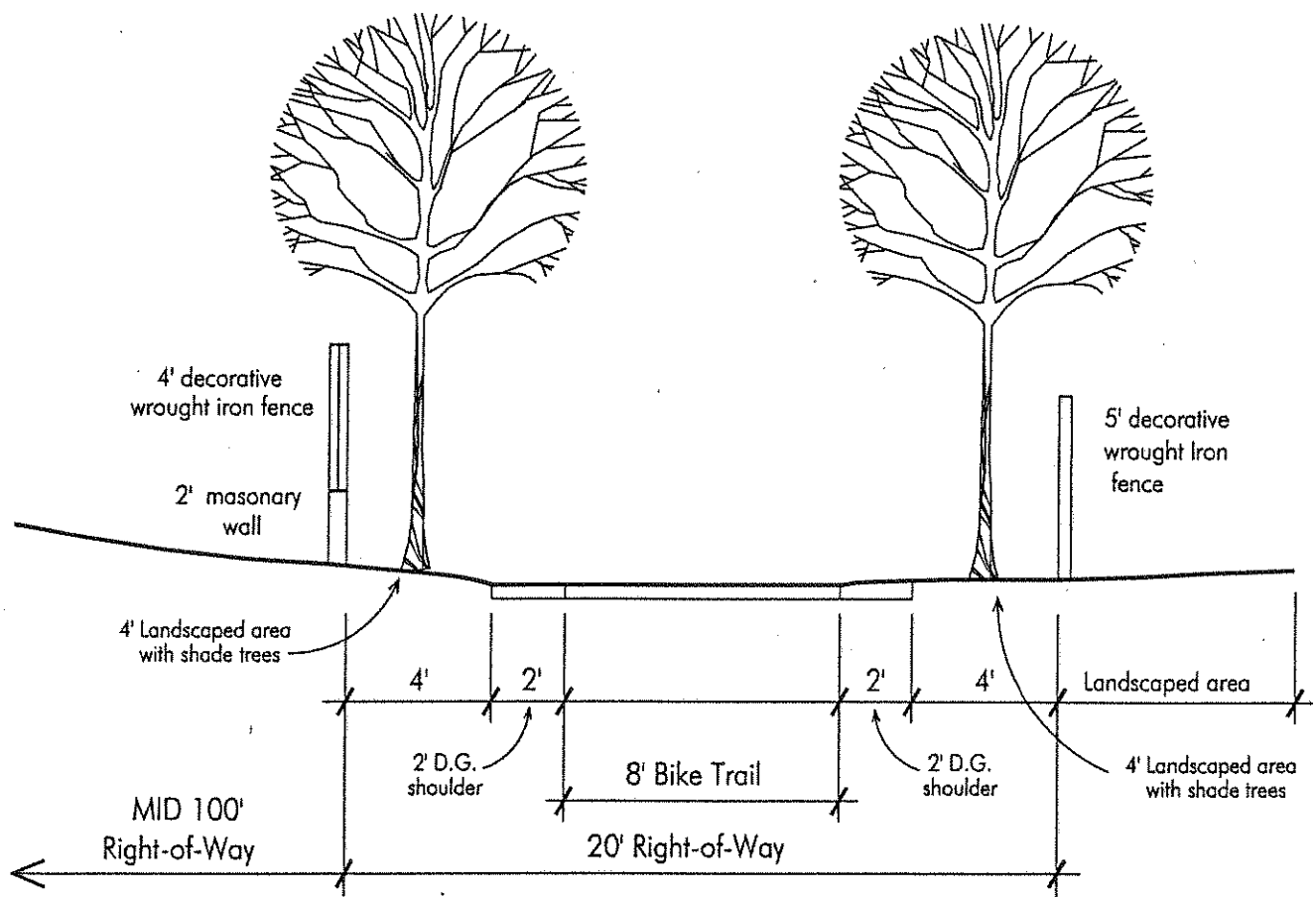


Figure IV-6

CLASS I BIKE PATH NORTH OF MID LATERAL

## **Proposed Changes to Chapter V.**

## Chapter V PUBLIC FACILITIES

♦ ♦ ♦

### A. Overview

This chapter describes the development of the basic wastewater collection, water supply, and storm drainage infrastructure needed to support anticipated growth in the Kiernan Business Park Specific Plan area. The Specific Plan's public facilities goal is stated below:

#### 1. Specific Plan Public Facilities Goal

*Provide public facilities and infrastructure in the Kiernan Business Park in an orderly manner consistent with the needs of planned development in the business park and applicable City standards.*

#### 2. Modesto General Plan Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the city of Modesto General Plan including applicable overall infrastructure and public facility policies, as shown on Table V-1.

Following are the agencies and organizations, which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

### B. Wastewater Collection

***Policy PF-1: All infrastructure and public facilities shall be constructed in accordance with Figure V-1, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.***

An existing ~~48~~ 39-inch wastewater collection line ~~is planned to be extended approximately 2,800 feet to Bangs Avenue in the future alignment of Marsala Way, which would intersect with the proposed alignment of American Avenue in the Specific Plan area~~ has been extended through American Avenue to Bangs Avenue. Sanitary sewer service to the Kiernan Business Park will be provided by this extension. The existing ~~48~~ 39-inch line flows south into the City's West Trunk Main.

The existing City of Modesto wastewater treatment system will have the capacity to provide service to the property in the Plan area as development occurs.

As shown in Figure V-1, the extension of the ~~48~~ 39-inch line ~~would pass~~ will through the Pelandale/Snyder Specific Plan area and ~~would enter~~ will enter the Kiernan Specific Plan area along the southeastern edge. ~~The extension of the line would include an under crossing of the MID Canal.~~ As shown on Figure V-1, at Bangs Avenue the sewer main will branch into an east-west line. The line to the east is ~~planned to be a~~ 42 39-inch line. To the west ~~a the sewer main will be extended~~ the sewer main will be extended extends approximately ~~8,100~~ 2,650 feet to Dale Road. ~~The future extension of this line will be to the western boundary of the Kiernan Business Park.~~ The size of this line is undetermined at this time and will depend on planned extensions to serve future developments to the northwest. This line will probably be in the range of 30 inches.

Branch lines from east-west main will extend north into the Kiernan Business Park in the north-south streets. The size of these lines will probably be eight inches and ten inches in diameter unless there are planned future extensions to the north, in which case they may be sized larger.

The main in Bangs Avenue between Dale Road and American Avenue and the extension of the ~~48~~ 39-inch main south to the existing line in Marsala Way ~~will need to be~~ have been constructed ~~with the first phase of development.~~

***Policy PF-2: The City shall require all development to be connected to the public sanitary sewer system.***

***Policy PF-3: The City shall require all downstream sanitary sewer improvements to be constructed and sized consistent with the City Wastewater master Plan.***

***Policy PF-4: The City shall require all sanitary sewer mains to be within public street right-of-ways. Branch lines, where appropriate, may be within public easements, within private driveways and roadways, as approved by the City.***

***Policy PF-5: The City shall require each sanitary sewer line to be constructed prior to paving the street under which it is to be located.***

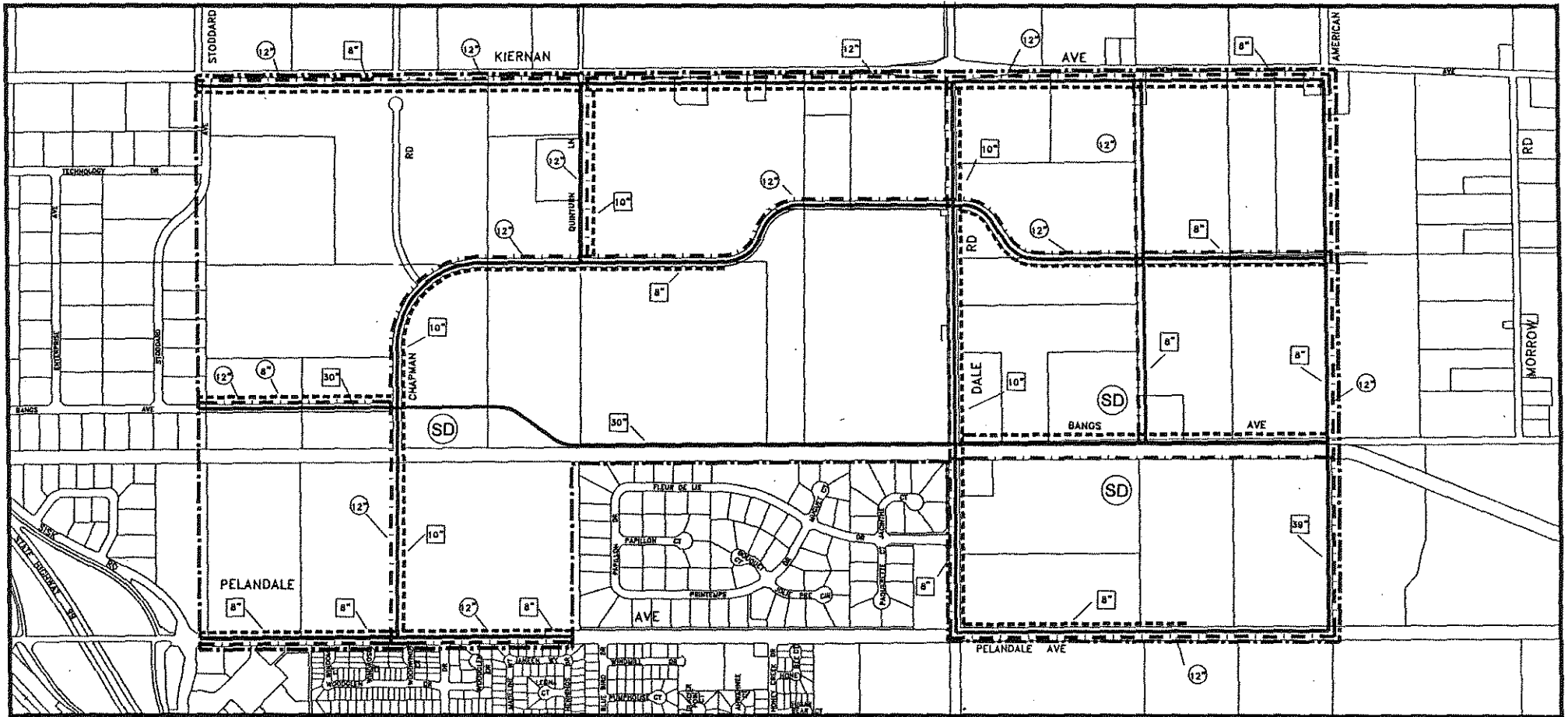
#### D. Storm Drainage

***Policy PF-10: The City shall require all storm drainage facilities for the Kiernan Business Park to be designed and constructed in accordance with the City of Modesto's Drainage Master Plan and Figure V-1, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.***

The storm drainage system for the Kiernan Business Park will be designed in accordance with the City of Modesto's Drainage Master Plan. The storm drainage system will consist of a positive storm drainage system consisting of catch basins, pipe lines, recharge/detention basins and pumping facilities (see Figure V-1).

The drainage system for the Specific Plan area is anticipated to include pumping storm waters from recharge/detention basins on-site into the Modesto Irrigation District (MID) Canal Lateral No. 6. This canal runs east-west along the southern side of Bangs Avenue. The MID has significant restrictions regarding timing, flow rate and water quality for discharge into their facilities. These restrictions will need to be taken into consideration when designing the storage capacity of the discharge/detention basin. Based on the City standard for commercial/industrial areas, storage requirements of 2 inches of water over the entire developed area is required. Using the maximum City allowed depth of 10 feet, this standard results in a minimum storage of five acres for Phase I with an additional 5 acres for Phase II. The actual area for the discharge/detention basin will depend on location, soil infiltration properties, MID requirements, the total area being served (could extend beyond Specific Plan area) and detailed hydrology/hydraulic calculations.

The City's Draft Master Drainage Plan has identified two sites for a retention/detention basin to serve the study area east of Dale Road. These sites are on the north and south sides of Bangs Avenue midway between Dale Road and American Avenue, as shown in Figure V-1. The City's Draft Master Drainage Plan does not address the area west of Dale Road. Figure V-1 identifies a storm drain basin on the east side of Chapman Road north of MID Lateral No. 6. This basin is designed to serve the development south of MID Lateral No. 6, and could also be expanded to serve development north of MID Lateral No. 6. Storm drainage for the Medical Campus Subarea shall be accommodated on site. ~~two potential locations west of Dale Road. The basin south of the MID canal would serve the Phase I portion of the project area located west of Flour de Ville and the basin located north of the MID canal would serve the Phase II of the Specific Plan area.~~



Legend :

- Specific Plan Area Boundary
- · - · - Water Supply Line
- Sanitary Sewer Line
- Major Storm Drain Line
- (SD) Potential Storm Drainage Basin Site

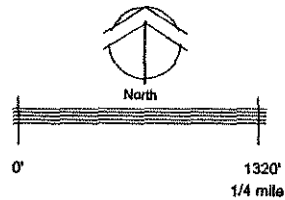


Figure V-1  
 Illustrative  
 Public Facilities Plan  
 Diagram

KIERNAN  
 BUSINESS PARK

**AMENDED**

on 4-7-09  
By Resolution 2009-158

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-425**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT PREZONE, P-P-D(567). (KAISER FOUNDATION HOSPITALS)**

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Kaiser Foundation Hospitals on January 9, 2003, to rezone property located on the west side of Dale Road north of Bangs Avenue from Prezone Specific Plan-Overlay Zone, to Prezone Planned Development Zone, P-P-D(567), and from Specific Plan-Overlay Zone to Planned Development Zone, P-D(567) to allow a 1,425,000-square-foot medical center, described as follows:

P-SP-O to P-P-D(567)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northeast Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at the southeast corner of said northeast quarter of section 2; thence South 89°38'01" West along the south line of said northeast quarter of section 2, a distance of 25 feet to the west line of Dale Road and the True Point of Beginning; thence continuing South 89°38'01" West along said south line of said section 2 a distance of 1283.02 feet to the west line of Lot 30 as shown on the Map of Eden Colony filed in Volume 4 of Maps, Page 32, Stanislaus County Records; thence North 00°09'38" West along said west line, a distance of 1323.13 feet to the northwest corner of said Lot 30; thence continuing North 00°09'38" West along the west line of Lot 17 of said Eden Colony, a distance of 365.63 feet to the westerly prolongation of the north line of Parcel 2 as described in the deed to Ronald J. Malik recorded July 30, 1991, as Instrument Number 57416, Stanislaus County Records; thence North 89°38'01" East along said westerly prolongation a distance of 272.70 feet to the northwest corner of said Parcel 2; thence continuing North 89°38'01" East along the north line of said Parcel 2, a distance of 328.22 feet to the east line of said Lot 17; thence South 00°11'22" East along said east line, a distance of 4.11 feet to the northwest corner of Parcel 3 as described in the deed to Ronald J. Malik and Edna Malik recorded April 29, 2003, as instrument Number 66261, Stanislaus County Records; thence North 89°32'03" East along said north line of Parcel 3, a distance of 682.69 feet to the west line of Dale Road, thence South 00°08'27" East along said west line, a distance of 1685.88 feet to the True Point of Beginning;

Also including all of MID Lateral No. 6, being immediately adjacent to the above described property.

SP-O to P-D(567)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northeast Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at the southeast corner of said northeast quarter of section 2; thence South to the point of intersection of the east line of said section 2 and the easterly prolongation of the south line of MID Lateral Number 6; thence West along said prolongation of the south line of MID Lateral Number 6 to the west line of Dale Road; thence North along the west line of Dale Road to the northeast corner of Parcel 3 as described on the deed to Ronald J. Malik and Edna Malik recorded April 29, 2003, as Instrument Number 66261, Stanislaus County Records; thence East along the prolongation of said Lot 3 to the east line of said section 2; thence South along the east line of Section 2 to the point of beginning.

WHEREAS, after a public hearing held on July 19, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-38, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed Medical Center will alleviate the existing and projected shortfall of hospital beds in Stanislaus County and enhance Modesto's emergence as a Regional Center of Health Care Excellence by creating a third hospital;
2. The proposed uses of the Medical Center are consistent with the intent of the Kiernan Business Park Specific Plan, in which the site is located, to provide opportunities for employment-intensive uses; and
3. The design and features of the proposed Medical Center help to ensure compatibility with the adjacent residential area.
4. The proposed rezone is consistent with the Modesto Urban Area General Plan, because:

- a. The proposed uses are consistent with the purpose and intent of the Business Park General Plan Land Use Designation, and the project is consistent with the General Plan's Economic Development Goal to provide opportunities for "the types of businesses that will thrive in the 21<sup>st</sup> Century." (Sec. I.D.1.);
- b. The proposal is consistent with the Overall Mission Statement of the General Plan to preserve "Modesto's "quality of life" while providing direction for the growth of business and industry to meet the needs of the future generations in the Modesto community." (Sec. I.2.a.);
- c. The proposal furthers General Plan Economic Goals which call for Modesto to "strive for a local jobs/housing balance by facilitating business growth..." and "Adequate land, strategically located to facilitate the expansion of Modesto's economic base, should be provided for the employment opportunities of Modesto residents. These opportunities should be focused on the types of businesses that will thrive in the 21<sup>st</sup> Century." (Sec. I.D.1. and Sec. II.B.1.a.(2));
- d. With the infrastructure requirements that the developer is required to build for the Medical Center as imposed by the conditions of approval, the proposal is consistent with General Plan Economic Development Goal I.D.4, which states "Community growth should be managed so that the quality of life is enhanced without imposing significant fiscal burdens on the existing community. Whenever appropriate, and to the extent provided by law, the costs of public infrastructure required to serve new development should be financed from revenue attributable to that development. There may be instances in which it would be appropriate to invest community wide resources in public infrastructure which could lead to a significant increase in jobs or other benefits to the community." and with Community Growth Policy II.B.a.b., which states "As the City expands and vacant land becomes developed, infrastructure such as roads, sewer, water and drainage is necessary to support that development. As the City directs the extension of this infrastructure, economic development opportunities should receive the highest priority for receiving such infrastructure."; and
- e. The location of the project immediately adjacent to the existing City limits and Sphere of Influence is consistent with Urban Growth Policy II.C.1.b., which states "Urban

development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services.”

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 10, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Kaiser Foundation Hospitals for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-38 and quoted above, and

WHEREAS, Kaiser is proposing to construct a helistop (helicopter landing facility (“Helistop”)) as part of the proposed Medical Center, for which it will be required to obtain a permit from the California Department of Transportation Division of Aeronautics (“State Permit”), and

WHEREAS, Public Utilities Code Section 21661.5 provides that prior to submitting an application for a State Permit, the construction plan for the proposed helistop must be approved by the city council of the city in which the proposed helistop will be located, and

WHEREAS, Kaiser has submitted its proposed Helistop construction plan for review by City staff, copies of which are on file with the Community and Economic Development Department and incorporated herein by this reference, and

WHEREAS, City staff has evaluated the proposed Helistop construction plan and recommends that there will be no interference with existing flight paths, there is

sufficient clearance with existing overhead utility lines, and the Helistop is compatible with existing surrounding land uses, and

WHEREAS, City staff recommends that the City Council approve the Helistop construction plan pursuant to Public Utilities Code Section 21661.5, and

WHEREAS, the Council has introduced Ordinance No. 3356-C.S. on the 10th day of August, rezoning the above-described property from Prezone Specific Plan-Overlay Zone, to Prezone Planned Development Zone, P-D(567), and from Specific Plan-Overlay Zone to Planned Development Zone, P-D(567).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(567), is hereby approved subject to the following conditions:

1. All development for the Phase 1 medical office building and hospital support wing and the Phase 2 hospital shall conform to the plot plan and building elevations titled "Kaiser Modesto Medical Center" as amended in red, stamped approved by the City Council on August 10, 2004.
2. Prior to the issuance of a building permit for the Phase 3 hospital expansion and parking garage, site plans and building elevations for the respective buildings shall require review and approval by the Community and Economic Development Director or designee. The Community and Economic Development Director may approve Phase 3 after administrative review, provided the proposed hospital expansion and parking garage are consistent with the location, size and height restrictions as shown on the plot plan approved by the City Council on August 10, 2004, and are consistent with the Kiernan Business Park Specific Plan and with the Kaiser Modesto Medical Center Cornerstone Business Park Project Final EIR. This review shall also include approval of a parking plan to ensure adequate parking provisions during the construction period of this building phase. The developer shall use best efforts to complete the parking garage for Phase 3 prior to

issuance of a building permit for the Phase 3 hospital expansion. Supplemental environmental review may be required for Phase 3.

3. Prior to the issuance of a building permit for the Phase 4 or Phase 5 medical office buildings and parking garages, the site plans and building elevations for the respective buildings shall require review and approval by the Planning Commission after a public hearing. The Planning Commission may approve Phases 4 and 5 after plot plan review, provided the proposed Phases are consistent with the location, size and height restrictions as shown on the plot plan approved by the City Council on August 10, 2004, and consistent with the Kiernan Business Park Specific Plan and the Kaiser Modesto Medical Center Cornerstone Business Park Project Final EIR. This review shall also include approval of a parking plan to ensure adequate parking provisions during the construction period of these building phases. The developer shall use best efforts to complete the parking garages for Phase 4 and 5 prior to issuance of building permits for the respective Phase 4 or 5 medical office buildings. An Initial Study and analysis shall be required with Phases 4 and 5 to determine their conformance with the Kaiser Modesto Medical Center Cornerstone Business Park Project Final EIR, and whether supplemental environmental review is required.
4. Prior to the issuance of a building permit, a landscaping and irrigation plan for the entire site shall be approved by the Parks, Recreation and Neighborhoods Director or designee. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
5. Prior to issuance of a building permit, the developer shall dedicate a 20-foot-wide right-of-way along the south edge of the project site, adjacent to MID Lateral No. 6, for a Class I bike path. Prior to occupancy of any Phase 1 building, the developer shall design and construct passive landscaping and irrigation, as approved by the Parks, Recreation and Neighborhoods Director. At such time as required by the Public Works Director or designee, the developer shall install the Class I bike path, including all required landscaping and irrigation as approved by the Parks, Recreation and Neighborhoods Director.
6. Prior to issuance of a building permit for the Phase 1 medical office building or hospital support wing, the developer shall dedicate sufficient right-of-way along the east edge of the property for a Class I bike path. Prior to occupancy of any Phase 1 building, the developer shall design and construct a Class I bike path on Dale Road within said right-of-way as approved by the City Engineer or designee and the Parks, Recreation and Neighborhoods Director or designee.

7. Fences or walls shall be constructed as follows:
  - a. A two-foot-high decorative masonry wall with a four-foot-high decorative wrought iron fence on top along the south side of the Class I bike path between the Class I bike path and M.I.D. Lateral No. 6, to be constructed prior to occupancy of the first building on the project site.
  - b. A five-foot-high decorative wrought iron fence on the north side of the Class I bike path on the property line between the Class I bike path and the project site, to be constructed in conjunction with construction of the Class I bike trail, at such time as required by the Public Works Director or designee.
8. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris. All public area landscaping installed in conjunction with required improvements on Dale Road, Technology/Healthcare Way and the Class I bike path right-of-way along the south edge of the project site shall be maintained by the developer until such time as a Community Facilities District is formed to maintain said landscaping and is financially able to assume maintenance responsibilities.
9. Prior to issuance of a building permit, improvement plans for all required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.
10. Prior to issuance of a building permit, the developer shall dedicate all public utility easements for the project as required by the utility companies and the City Engineer or designee.
11. Existing underground and overhead electric facilities and existing irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the City Engineer or designee. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.
12. All outdoor lighting shall be shielded from adjacent residential properties as required by the City Engineer or designee.
13. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Public Works Director or designee. Enclosures shall be architecturally compatible with and constructed of building

materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director or designee.

14. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, Assessor's Parcel Number 078-013-009, substantially as shown in red on the plot plan.
15. Prior to occupancy of the first structure, the developer shall dedicate to the City a minimum 100-foot by 100-foot site for a municipal well, and shall construct and dedicate a well for domestic water, including connection to the City of Modesto water system, appropriate wellhead treatment, site development including appropriate screening and security, and adequate access to allow for maintenance of the well, all as approved by the City Engineer or designee. The well shall require final approval by the City Engineer or designee and be operable prior to occupancy of the first structure.
16. Prior to occupancy of the Phase 2 hospital, the developer shall design, engineer and construct an appropriately sized on-site grinder pump and appurtenances to minimize the amount of large objects discharged into the City's sewer collection and treatment system and shall enter into a written agreement with City regarding the developer's obligation to maintain and repair the grinder. Said grinder shall be designed and installed as directed by the City Engineer or designee.
17. The developer shall install a 30-inch-diameter sewer line in Dale Road to the point of the Medical Center connection to the line, and a 27-inch-diameter sewer line in Dale Road north of the Medical Center connection and in Technology/ Healthcare Way, in accordance with plans submitted for review and approval by the City Engineer or designee. Prior to installation of the sewer lines, the developer shall enter into a reimbursement agreement in a form approved by the City Attorney if reimbursement for oversizing of sewer lines is desired by the developer.
18. All required fire hydrants shall be installed and maintained in accordance with City of Modesto Standard Specifications prior to the delivery of combustible building materials to the site or the start of construction.
19. All fire apparatus access roads shall be installed and maintained in accordance with City of Modesto Standard Specifications prior to the start of construction, as required by the Fire Marshal or designee.

20. Ten-foot-wide public utility easements, and planting easements located within the ten-foot-wide public utility easements, shall be dedicated along all street frontages as required by the City Engineer or designee.
21. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Chief Building Official or designee.
22. Signs shall be permitted as follows:
  - a. The following signs as shown on the “Kaiser Permanente Modesto Medical Center Site Signage Master Plan” dated March 2, 2004:
    - i. A 24-square-foot, 4-foot-high monument sign at the eastern entrance on Technology/Healthcare Way,
    - ii. A 72-square-foot, 6-foot-high monument sign at the intersection of Dale Road and Technology/Healthcare Way,
    - iii. A 78-square-foot, 13-foot-high monument sign at the main entrance on Dale Road,
    - iv. Seven 20-square-foot, 9-foot-high interior directional signs located on interior driveways as shown in the “Kaiser Permanente Modesto Medical Center Site Signage Masterplan” dated March 2, 2004,
    - v. Nineteen 9-square-foot, 6-foot-high internal directional signs located on interior driveways as shown in the “Kaiser Permanente Modesto Medical Center Site Signage Masterplan” dated March 2, 2004,
    - vi. A 150-square-foot wall sign, to be located initially on the east elevation of the hospital support wing building, and to be relocated to the east elevation of the hospital when constructed. This sign shall be located below the main building ridgeline on both buildings.
  - b. All other signs in the Medical Center shall comply with the sign requirements of the P-O Zone.

23. Prior to obtaining an occupancy permit from the City for the Phase 1 and 2 buildings, Kaiser may provide services to members at the project site in modular buildings that will be brought on to the project site. Placement and installation of modular buildings shall be consistent with and conform to all building and land use requirements contained in the Kiernan Business Park Specific Plan, and subject to administrative site plan approval, including without limitation, approval of all elevations, setbacks, parking and screen landscaping, by the Community and Economic Development Director or designee. Prior to moving or installing any modular buildings on the project site, the developer shall submit to the Community and Economic Development Director a proposed site plan and building elevations and such other information and documentation as the Director may reasonably require, for review and approval. All such modular buildings will be removed from the project site prior to issuance of a Certificate of Occupancy for the hospital support wing, or by December 31, 2007, whichever is earlier.
24. The Capital Facilities Fees for all buildings except the hospital shall be payable at the time of the issuance of a building permit for any construction in the medical center and shall be based on the rates in effect at time of issuance of the building permit or upon annexation of the site to the City of Modesto, whichever occurs later. For the hospital buildings, the Capital Facilities Fees shall be payable prior to issuance of a building permit by OSHPD or concurrent with recordation of the Certificate of Completion for the annexation, whichever occurs later, and shall be based on the rate in effect for hospitals at the time that the completed building permit application is accepted by OSHPD or upon annexation of the site to the City of Modesto, whichever occurs later.
25. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
26. Prior to issuance of a building permit, developer shall take all actions reasonably necessary to secure and establish a City Mello-Roos Community Facilities District ("CFD") for the purpose of funding ongoing maintenance of public landscaping and irrigation,

bike trails, storm drain facilities and other public facilities set forth in the Kiernan Business Park Specific Plan to be maintained by said CFD or, if said CFD has been established for the Kiernan Business Park Specific Plan, developer shall take all actions reasonably necessary to annex its development to said CFD, which shall actually result in annexation of its development to said CFD at the tax rate for the zone of said CFD to which the development is ultimately annexed; or alternatively, in the event complete annexation does not occur for any reason, developer may provide a funding mechanism for said ongoing maintenance to the same general standard as other similar ongoing maintenance financed by said CFD, subject to approval of the funding mechanism by the City, such approval not to be unreasonably withheld.

The following conditions are either mitigation measures from the Environmental Impact Report (EIR) for the Kaiser Modesto Medical Center and Cornerstone Business Park Project (SCH No. 2003072085), or improvements assumed by the EIR to have been constructed by the project:

27. Prior to occupancy of any structure, the following street dedication consistent with Standard Specifications and the Kaiser Modesto Medical Center EIR shall be made, and the following street improvements consistent with Standard Specifications and the Kaiser Modesto Medical Center EIR shall be constructed, as approved by the City Engineer or designee:
  - a. Dale Road and Technology Drive/Health Care Way
    - i. Signalize intersection.
    - ii. Addition of a first and second northbound left- turn lane and provide 300 feet of storage for each lane. (Reference p. IV.D.40 of the EIR)
    - iii. Addition of a second northbound through lane. (Reference p. IV.D.40 of the EIR)
    - iv. Addition of a first and second eastbound left-turn lane.
    - v. Addition of an eastbound right-turn lane.
    - vi. Addition of a second southbound through lane.
    - vii. Addition of a southbound right-turn lane and revise signal phasing to provide overlap phase. (Reference p. IV.D.68 of the EIR)
  - b. Dale Road and Kaiser Medical Center Entrance
    - i. Signalize intersection.
    - ii. Addition of a first and second northbound left- turn lane and provide storage length of 340 feet for each lane. (Reference p. IV.D.40 of the EIR)
    - iii. Addition of a second northbound through lane.

- iv. Create free eastbound right turn movement from the Kaiser Medical Center Entrance onto Dale Road southbound. (Reference p. IV.D.68 of the EIR)
  - v. Addition of a second southbound through lane.
  - vi. Addition of a southbound right-turn lane.
- c. Dale Road and Bangs Avenue
- i. Signalized intersection.
  - ii. Addition of a second northbound turn lane.
  - iv. Addition of one or two eastbound right-turn lanes (depending on signal phasing).
  - v. Addition of a second eastbound receiving lane on Bangs Avenue. (Reference p. IV.D.69 of the EIR)
  - vi. Addition of a first and second southbound left-turn lanes.
  - vii. Addition of a second southbound through lane.
  - viii. Addition of a southbound shared through/right turn lane.
  - ix. Restrict the Kaiser driveway (west) leg of the intersection, to right-turn-in and right turn-out access. (Reference p. IV.D.68 of the EIR)
- d. Dale Road and Pelandale Avenue (North, South and West Approaches)
- i. Addition of a second eastbound left-turn lane. (Reference p. IV.D.42 of the EIR)
  - ii. Addition of a third eastbound through lane at the approach and departure legs of the intersection. (Reference p. IV.D.41 of the EIR)
  - iii. Addition of a second southbound left-turn lane, providing 300 feet of storage.
  - iv. Addition of a southbound right-turn lane.
  - v. Addition of a third southbound through lane at the approach and departure legs of the intersection. (Reference p. IV.D.41 of the EIR)
  - vi. Addition of a second westbound left-turn lane. (Reference p. IV.D.70 of the EIR)
  - vii. Addition of a third westbound through lane. (Reference p. IV.D.70 of the EIR)
- e. Pelandale Avenue Between Chapman Road and Dale Road
- i. Addition of a third eastbound through lane. (Reference p. IV.D.46 of the EIR)
  - ii. Addition of a second and third westbound through lanes. (Reference p. IV.D.46 of the EIR)
- f. Dale Road Between Kiernan Avenue and Technology Drive/Health Care Way

- i. Addition of a second northbound through lane.  
(Reference p. IV.D.48 of the EIR)
  - ii. Addition of a second southbound through lane.
  - iii. Addition of Class II bike lanes on both sides of Dale Road.
  
- g. Dale Road Between Technology Drive/Health Care Way and Kaiser Medical Center Entrance
  - i. Addition of a second northbound through lane.  
(Reference p. IV.D.48 of the EIR)
  - ii. Addition of a second southbound through lane.
  - iii. Addition of Class II bike lanes on the east side of Dale Road, and a combined Class I bike trail and sidewalk on the west side of Dale Road, as approved by the Parks, Recreation and Neighborhoods Director.
  
- h. Dale Road Between the Kaiser Medical Center Entrance and Bangs Avenue
  - i. Addition of a second northbound through lane.
  - ii. Addition of a second and a third southbound through lane. (Reference p. IV.D.48 of the EIR)
  - iii. Addition of Class II bike lanes on the east side of Dale Road, and a combined Class I bike trail and sidewalk on the west side of Dale Road, as approved by the Parks, Recreation and Neighborhoods Director.
  - iv. A bus turnout of sufficient length to accommodate two City buses, as approved by the Transit Manager.
  
- i. Dale Road Between Bangs Avenue and Fleur de Lis Drive
  - i. Addition of a second northbound through lane.
  - ii. Addition of a third southbound through lane.  
(Reference pp. IV.D.48-IV.D.49 of the EIR)
  
- j. Dale Road Between Fleur de Lis Drive and Pelandale Avenue
  - i. Addition of a second northbound through lane.
  - ii. Addition of a third southbound through lane.  
(Reference p. IV.D.49 of the EIR)
  
- k. Dale Road Between Snyder Avenue and Standiford Avenue
  - i. Addition of a third southbound through lane, from Braden Avenue to Standiford Avenue. (Reference p. IV.D.49 of the EIR)
  
- l. Technology Drive/Health Care Way Between Dale Road and the Westerly Property Line of the Kaiser Facility

- i. Addition of a first and second eastbound through lane.
  - ii. Addition of a first and a second westbound through lane.
  
- 28. Prior to occupancy of the Phase 2 hospital, the following street dedication consistent with Standard Specifications and the Kaiser Modesto Medical Center EIR shall be made, and the following street improvements consistent with Standard Specifications and the Kaiser Modesto Medical Center EIR shall be constructed, as approved by the City Engineer or designee:
  - a. Dale Road and Kiernan Avenue
    - i. Signalize intersection.
    - ii. Addition of a second northbound left-turn lane, providing 300 feet of storage for each lane. (Reference p. IV.D.39 of the EIR)
    - iii. Addition of a northbound right-turn lane. (Reference p. IV.D.67 of the EIR)
    - iv. Addition of a third eastbound through lane. (Reference p. IV.D.67 of the EIR)
    - v. Addition of an eastbound right-turn lane and restripe shared through/right lane to through lane. (Reference p. IV.D.39 of the EIR)
    - vi. Addition of a second westbound left-turn lane. (Reference p. IV.D.39 of the EIR)
  
  - b. Dale Road and Standiford Avenue
    - i. Convert the existing westbound right-turn lane into a third westbound through lane and create a new westbound free right-turn lane. (Reference p. IV.D.43 of the EIR)
  
- 29. Prior to occupancy of the Phase 3 expansion of the hospital, the following street dedication consistent with Standard Specifications and the Kaiser Modesto Medical Center EIR shall be made, and the following street improvements consistent with Standard Specifications and the Kaiser Modesto Medical Center EIR shall be constructed, as approved by the City Engineer or designee:
  - a. Bangs Avenue and American Avenue
    - i. Signalize intersection, or construct a roundabout, as determined by the City Engineer. (Reference p. IV.D.69 of the EIR)
  
- 30. Prior to issuance of a building permit for the Phase 1 medical office building or hospital support wing, the developer shall supply documentation, in a form acceptable to the Community and

Economic Development Director or designee, that the project sponsor has contributed to the California Farm-land Conservancy Fund for the purposes of funding authorized farmland conservation projects in Stanislaus County under the California Farmland Conservancy Program, pursuant to Public Resources Code Section 10230, or to a bona fide alternative program for funding farmland preservation projects in Stanislaus County. The amount of such contribution shall allow the conservation of one acre of farmland in Stanislaus County for each acre of farmland covered by the building permit sought under the proposed project.

The amount of such contribution shall, at minimum, reflect the then-current value of an agricultural easement on comparable prime agricultural land of equal size to the acreage of the parcel for which a permit is sought, and a 10% increment for program administration under the Farmland Conservancy Program, or an equivalent program for funding farmland preservation projects in Stanislaus County.

The valuation of such easement shall be determined by the City in consultation with the California Department of Conservation. Where current information on such valuation is not available, the City may require that applicants for building permits furnish an appraisal of the valuation of an agricultural easement on comparable agricultural land in the project vicinity to inform the City's determination as to valuation.

31. Prior to issuance of a building permit for the Phase 1 medical office building or hospital support wing, the developer shall submit a plan for review and approval by the Community and Economic Development Director or designee to implement the following measures, in accordance with the provisions contained in the attached "Kaiser Modesto Medical Center/ Cornerstone Business Park Mitigation Monitoring and Reporting Program", said approval to also be subject to review and approval by the San Joaquin Valley Air Pollution Control District, if required by District regulations:
  - The project developer shall designate a construction liaison to be responsible for all monitoring and reporting to the appropriate City Departments and relevant agencies on all construction-related mitigation measures.
  - The project developer shall submit a compliance plan consistent with Regulation VIII of the San Joaquin Valley Air Pollution Control District to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation

VIII applicable at the time of construction will be implemented.

- Prior to the issuance of construction contracts, the project developer shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emissions reduction are available for use. It is anticipated that in the near future both NO<sub>x</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> control equipment will be available. The San Joaquin Valley Air Pollution Control District should be consulted during this process.
- The project developer shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).
- The project developer shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
- The project developer shall install wind breaks at windward sides of construction areas, if necessary to prevent wind-blown dust.
- The project developer shall suspend excavation and grading activity when winds exceed 20 miles per hour.
- The project developer shall limit the area subject to excavation, grading, and other construction activity at any one time.
- The project developer shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions).
- The project developer shall use alternative-fuel construction equipment, where feasible.
- The project developer shall minimize idling time (e.g., to a 10-minute maximum).
- The project developer shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.

- The project developer shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.
- The project developer shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the San Joaquin Valley Air Pollution Control District.
- Outside construction activities shall be restricted to the hours between 7:00 a.m. and 9:00 p.m., Monday through Friday, and between 9:00 a.m. and 9:00 p.m., Saturday and Sunday and State or Federal holidays; minor construction equipment servicing and maintenance shall be excepted from this restriction, as shall inside construction, provided said construction does not result in any outside construction noise.
- Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations.
- Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
- Stationary noise sources and staging areas shall be located as far as possible from existing residences and occupied hospital facilities (preferably at least 200 feet), or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
- Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
- A "construction liaison" shall be designated to ensure coordination between construction staff, neighbors, hospital staff, medical office building tenants, and business park tenants to minimize disruptions due to construction noise. Hospital and medical office staffs shall be made aware of the construction schedule and activities. Occupants and property owners of residences within 400 feet of construction activity

shall be notified in writing of the construction schedule and the contact information for the construction liaison.

32. The site design submitted for a building permit for any structure shall include the following requirements in accordance with the provisions contained in the attached "Kaiser Modesto Medical Center/Cornerstone Business Park Mitigation Monitoring and Reporting Program":
- The project developer shall incorporate improvements for transit service, including bus turnouts, transit loading areas, and shelters, as approved by the Public Works Director or designee.
  - The project developer shall incorporate sidewalks and bicycle paths throughout the site and connect those facilities to any nearby pedestrian and bicycle facilities, including those located at open space areas, parks, schools, or commercial areas.
  - The project developer shall incorporate secure bicycle storage and parking facilities throughout the site.
  - The project developer shall incorporate energy efficient building design features including automated control systems for heating and air conditioning and energy efficiency beyond the requirements of the Building Code (Title 24, California Code of Regulations, or for the hospital, those established by the Office of Statewide Health Planning and Development), increased wall and ceiling insulation beyond Building Code requirements, light-colored roof materials to reflect heat, and energy efficient lighting and lighting controls.
  - The project developer shall incorporate approved deciduous trees to provide shade on the south- and west-facing sides of buildings.
33. Prior to occupancy of any structure, the project developer shall prepare a trip- reduction plan consistent with the provisions contained in the attached "Kaiser Modesto Medical Center/Cornerstone Business Park Mitigation Monitoring and Reporting Program". The plan shall be submitted for review and approval by the Community and Economic Development Director or designee prior to occupation of each phase of the proposed project:

- Provision of matching services (for participants in carpools and vanpools) by employers with over 100 weekday employees or coordination with Caltrans' "Commuter Computer" program;
  - Employer-based dissemination of commute information;
  - Employer subsidies for transit passes and incorporation of transit stop facilities into site design;
  - A program to guarantee rideshare participants a ride home in case of emergency;
  - Flex-time scheduling;
  - Site plan design which encourages pedestrian movement between adjacent land uses;
  - A minimum of 4% of parking spaces designated for preferred parking for carpools and hybrid and alternative fuel vehicles; and
  - Encouraging employees to experiment with telecommuting options, where feasible.
  - The Trip Reduction Plan will include procedures that the project developer shall utilize to monitor and document to the Community and Economic Development Director or designee compliance with the Plan.
34. The building design of the proposed hospital facilities and medical office buildings shall incorporate appropriate acoustical treatment features (increased insulation, fixed windows, mechanical ventilation) to ensure that interior noise levels do not exceed 45 dBA  $L_{dn}$  for hospital facilities under future noise conditions.
35. Prior to issuance of a building permit for the Phase I medical office building or hospital support wing, the developer shall submit for review and approval by the City Engineer or designee a plan and supporting calculations to provide on-site treatment of stormwater to accomplish the following requirements. Storm drain improvements shall be constructed in accordance with the approved plans, and shall be maintained by the medical center owner.
- a. The pervious pavement/infiltration trench system for the Kaiser Modesto Medical Center Campus shall be designed in conformance with the City of Modesto *Guidance Manual for New Development Stormwater Quality Control*

*Measures* (“Design Criteria for Infiltration Treatment Control Measures and Porous Paving Blocks”). If necessary, the design should provide for a redundant collection system (e.g., system of perimeter catch basins piped into a retention facility or infiltration trenches) for runoff in the event that the pervious pavement expected infiltration rate does not allow collection of all design storm runoff. The designs shall be based on appropriate testing of the infiltration rates of soils at the site of the retention facilities and the City’s Storm Drainage Design Standards. Final design of the facilities shall be submitted to the Modesto Public Works Department for review and approval prior to issuance of a building permit for the Phase 1 medical office building and hospital support wing.

- b. The owner/operator of the developed site shall develop and implement a Stormwater Management Plan (SMP) that incorporates the requirements of the Statewide General Permit for Storm Water Discharges Associated with Construction Activity. The SMP shall include provisions to control the discharge of sediment onto pervious pavement, into infiltration trenches, and percolation basins during and after construction. The owner/operator shall also include a post-construction Maintenance Plan that describes the operation plan activities and schedule, the equipment and resource requirements necessary to operate and maintain the facilities, and identification of the responsible party for operation and maintenance. In addition, the SMP would require that the owner/operator shall enter into a Stormwater Access & Maintenance Agreement with Modesto. At a minimum, the SMP shall provide for:
  - A regular and thorough street sweeping program;
  - A detailed hazardous materials storage program;
  - A hazardous materials spill prevention and response plan;
  - A pavement inspection and repair program.
- c. All infiltration features shall be constructed to maximize the distance between the base of the infiltration feature and the groundwater table and in no case shall the bottom of the feature be less than ten feet above the groundwater table.
- d. All infiltration features shall be located the minimum distance specified by the State Department of Health Services from any potable water well.

- e. The project developer shall describe in detail in the Stormwater Management Plan and implement, at a minimum, the following BMPs to minimize pollutant loading at the site:
- All refuse disposal areas and loading bays (and any other similar types of outdoor uses that could impact water quality runoff) shall be either completely contained within enclosed weatherproof structures or designed to capture all runoff, wash water, leaks and spills. For facilities not in enclosures, impermeable berms, drop inlets, trench catch basins, and/or overflow containment structures around these areas shall be used to prevent spilled materials and wash-down waters from entering the storm drain system. The drains shall be connected to a sump(s) for collection and disposal. Direct connection of these areas to the storm drain system is prohibited.
  - All chemicals and other materials that could contribute pollutants to runoff shall be properly stored and protected from contact with rainfall.
  - Any outdoor chemical spills shall be promptly mitigated in accordance with the site's Spill Prevention Plan.
  - Any pesticides and/or fertilizers applied to landscaping shall be done so in compliance with a site specific Integrated Pest Management Plan (IPM). The project proponents shall develop and implement IPMs for all landscaped areas. The IPM shall be prepared by a qualified professional approved by the Public Works Director or designee. The IPM shall address and recommend methods of pest prevention and plant management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified. Special attention in the IPM shall be directed toward avoiding persistent pesticides that could leach to the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem. Preventative chemical use shall not be employed. Institutional and biological approaches to pest control shall be more fully integrated into the IPM with an emphasis toward reducing pesticide application.

36. Prior to issuance of a building permit for the Phase 1 medical office building or hospital support wing, the developer shall submit for review and approval by the City Engineer or designee a plan

and supporting calculations to provide treatment of off-site stormwater on Dale Road and Technology/Healthcare Way to accomplish the following requirements. Storm drain improvements shall be constructed in accordance with the approved plans, and shall be maintained by the medical center owner.

- a. Inasmuch as the infiltration bed system is being proposed as an alternative to a positive storm drain system, the system shall be designed to perform to the criteria required in the City of Modesto Standard Specifications for a positive storm drain system. The infiltration bed system shall be designed to the criteria for Percolation (Infiltration) Basins.
- b. The design shall be based on appropriate testing of the infiltration rates of soils at the site of the retention facilities and the City's Storm Drainage Design Standards. The system shall be designed to include Stormwater Quality Control Measures to prevent, to the maximum extent possible, pollutants from entering the infiltration beds. Final design of the facilities shall be submitted to the Public Works Director or designee for review and approval prior to issuance of a building permit for the Phase 1 medical office building and hospital support wing.
- c. All infiltration features shall be constructed to maximize the distance between the base of the infiltration feature and the groundwater table and in no case shall the bottom of the feature be less than ten feet above the groundwater table.
- d. Prior to occupancy of the Phase 1 medical office building or hospital support wing, the developer shall enter into an agreement with the City of Modesto to assume all maintenance and liability, either directly or indirectly, associated with the permanent storage and treatment of stormwater from the adjacent frontages on the west side of Dale Road and the south side of Technology/Healthcare Way, the temporary storage and treatment of stormwater in facilities constructed by the developer on the non-adjacent frontages of Dale Road and Technology/Healthcare Way. The agreement shall also include a provision that in the event the infiltration bed system fails or is deemed unacceptable by any regulatory entity having jurisdiction over stormwater, the developer shall at its sole expense install a positive storm drain system in accordance with City standards. Failure of the system is defined as failure to meet the design criteria in the Standard Specifications at any time.

- e. As a temporary measure until development occurs on the east side of Dale Road, a temporary storm drain solution may be implemented in accordance with the plans submitted for review and approval by the City Engineer or his designee. Infiltration trenches with appropriate Stormwater Quality Control Measures are allowable. Rockwells are not allowed in this area.
  - f. The developer shall not construct anything that prevents the future installation of the storm drain trunk line in Dale Road needed for future development in the Kiernan Business Park.
37. Prior to approval of a grading plan for development of the Medical Center, a well survey shall be conducted to determine the location and characteristics of all existing wells. The survey shall be conducted and documented by a State-registered geologist or engineer, and the results submitted to the City Engineer or designee for review.

The water supply wells shall either be:

- a. Properly abandoned in compliance with the California Department of Water Resources, California Well Standards and Stanislaus County Code, Chapter 9.36 prior to final approval of the grading plan, or
  - b. Inspected by a qualified professional to determine whether each well is properly sealed at the surface to prevent infiltration of water-borne contaminants into the well casing or surrounding gravel pack. The well seal shall be consistent with the California Well Standards. If any of the wells are found not to comply with this requirement, the developer shall retain a qualified well driller to install the required seal. Documentation of the inspections and seal installations, if any, shall be provided to the City Engineer or designee prior to final approval of the grading plan.
38. Use of the helistop shall be limited to four trips (each trip to include a takeoff and landing) during any continuous 30-day period, unless the Medical Center owner submits future studies for review and approval by the Airport Manager or designee, demonstrating that additional helicopter trips will not cause unreasonable noise and disturbance to nearby residential areas in excess of the impacts identified in the Kaiser Modesto Medical Center EIR.

39. In addition to the above mitigation measures, the developer shall complete all required mitigation measures for Phases A, B and C presented in the attached “Kaiser Modesto Medical Center/Cornerstone Business Park Mitigation Monitoring and Reporting Program”, in the manner and schedule prescribed by the Mitigation Monitoring and Reporting Program.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(567):

The construction program be accomplished in phases as follows:

Phase 1: Construction to start on or before August 10, 2006, and be completed by not later than August 10, 2008.

Phase 2: Construction to start on or before August 10, 2007, and be completed by not later than August 10, 2009.

Phase 3: Construction to start on or before August 10, 2014, and be completed by not later than August 10, 2016.

Phases 4 and 5: Requires approval by the Planning Commission prior to the start of construction.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. APPROVAL OF HELISTOP CONSTRUCTION PLAN. Pursuant to Public Utilities Code Section 21661.5, the proposed construction plan for a Helistop in the approximate location shown on the proposed site plan for the Kaiser Medical Center is hereby approved.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in

strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(567), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: [Signature]  
Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-426**

**RESOLUTION APPROVING THE FILING OF A SPHERE OF INFLUENCE PLAN, MASTER SERVICES ELEMENT, AND MUNICIPAL SERVICE REVIEW TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION IN CONJUNCTION WITH THE APPLICATION TO AMEND MODESTO'S SPHERE OF INFLUENCE AND ANNEX APPROXIMATELY 88 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF DALE ROAD SOUTH OF KIERNAN AVENUE TO THE CITY OF MODESTO**

WHEREAS, the City has received a written request from Kaiser Foundation Hospitals to initiate an amendment to Modesto's adopted sphere of influence and annex the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, California Government Code Section 56430 requires the Local Agency Formation Commission (LAFCO) to conduct a service review before, or in conjunction with, but no later than the time it is considering an action to update a sphere of influence, and

WHEREAS, on December 5, 2001, Stanislaus LAFCO adopted Policies and Procedures that specify informational standards for local agency's Sphere of Influence and require each agency to prepare a Sphere of Influence Plan and Master Services Element ("MSE") which contains specific information relative to the need, capacity, and anticipated timing of the required services, and

WHEREAS, Stanislaus LAFCO requires that an application to amend the sphere of influence be accompanied by a Municipal Service Review ("MSR") prepared pursuant to Section 56430, and a Sphere of Influence Plan and Master Services Element ("MSE") prepared pursuant to Stanislaus LAFCO requirements, and

WHEREAS, a Sphere of Influence Plan, Master Services Element, and Municipal Service Review have been prepared by Economic & Planning Systems in accordance with California Government Code 56430 and Stanislaus LAFCO requirements, and

WHEREAS, the City Council has received and considered the Final Environmental Impact Report for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (SCH No. 2003072085) that analyzed the potential environmental effects of the proposed Sphere of Influence amendment and annexation and has, by separate resolution, certified said Final Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Sphere of Influence Plan, Master Services Element, and Municipal Services Review, a copy of which is on file in the City Clerk's office.

BE IT FURTHER RESOLVED by the Council that the Community and Economic Development Director is hereby authorized and directed to submit said City of Modesto Sphere of Influence Plan, Master Services Element, and Municipal Services Review to the Stanislaus Local Agency Formation Commission in conjunction with the application to amend Modesto's Sphere of Influence for the Kaiser Medical Center and Cornerstone Business Park project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-427**

**RESOLUTION OF APPLICATION TO THE STANISLAUS LOCAL AGENCY  
FORMATION COMMISSION TO AMEND MODESTO'S SPHERE OF  
INFLUENCE AND ANNEX APPROXIMATELY 88 ACRES OF PROPERTY  
LOCATED ON THE WEST SIDE OF DALE ROAD SOUTH OF KIERNAN  
AVENUE TO THE CITY OF MODESTO AND THE MODESTO SEWER  
DISTRICT NO. 1 AND TO DETACH SAID PROPERTY FROM THE SALIDA  
FIRE PROTECTION DISTRICT (OWNER INITIATED – UNINHABITED)**

WHEREAS, Kaiser Foundation Hospitals, Ron and Edna Malik, Leaping Lizards Land Development LLC, and Ernest George, Jr. (collectively "Owners") are the owners of five parcels totaling approximately 88 acres of real property, located on the west side of Dale Road south of Kiernan Avenue ("Property"), and propose that the Property be developed as the Kaiser Modesto Medical Center/Cornerstone Business Park ("Project"), and

WHEREAS, the City has received a written request from Owners to initiate an amendment to Modesto's adopted sphere of influence and annex the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, Government Code section 56428 authorizes any person or local agency to file a written request with the Executive Officer of its Local Agency Formation Commission ("LAFCO") to amend a sphere of influence, and

WHEREAS, Government Code Section 56650 provides that proceedings to initiate a change of organization to annex additional territory to a City may be initiated by Resolution of Application or Petition, and

WHEREAS, the request to amend the City of Modesto's sphere of influence and the Resolution of Application are proposed pursuant to California Government Code Sections 56428, 56650, 56654 and 56700, and

WHEREAS, the Property proposed to be annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits "A" and "B," and the proposed sphere of influence amendment boundary is set forth in Exhibit "C", attached hereto and by this reference incorporated herein, and

WHEREAS, the subject Property proposed to be annexed is within Stanislaus County, is contiguous to the existing sphere of influence and City limits and can be most efficiently served by City services, and

WHEREAS, Stanislaus LAFCO requires that an application to amend City's sphere of influence be accompanied by a Municipal Service Review ("MSR") prepared pursuant to Section 56430 and a Master Services Element ("MSE") prepared pursuant to Stanislaus LAFCO requirements, and

WHEREAS, City has prepared an MSR and MSE and, concurrent with this Resolution of Application, has authorized staff to submit the MSR/MSE to the Stanislaus LAFCO with City's application to amend the Sphere of Influence, and

WHEREAS, before an annexation application may be heard by LAFCO, there must be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, an agreement for the sharing of property taxes for the Property was approved by the Stanislaus County Board of Supervisors and the Modesto City Council on July 13, 2004, and

WHEREAS, Government Code Section 56425(a) requires that at least thirty (30) days prior to submitting an application to LAFCO to update an existing sphere of influence for a city, representatives from the city shall meet with county representatives to discuss the proposed sphere and its boundaries, and to explore methods to reach agreement on the boundaries, development standards and zoning requirements within the sphere, and

WHEREAS, on or about June 14, 2004, City of Modesto representatives met with County of Stanislaus representatives to discuss the proposed sphere amendment and its boundaries, and reached a verbal agreement that the parties would support Owners' request for an amendment to the City's sphere of influence and annexation to the City of Modesto for the purpose of constructing the proposed Kaiser Medical Campus/Cornerstone Business Park, in accordance with the proposed site plans attached hereto as Exhibit "D", and

WHEREAS, the proposed Property is not subject to a Williamson Act Contract pursuant to Government Code Sections 51200, et seq, and

WHEREAS, City desires that its sphere of influence be amended and that a reorganization of the Property be approved as follows:

- (a) The annexation of said Property to the City of Modesto and Modesto Sewer District No. 1.
- (b) The detachment of said Property from the Salida Fire Protection District.

WHEREAS, the reasons for this proposed sphere of influence amendment and reorganization to the City of Modesto are as follows:

- (a) Staff has received a written request signed by all property owners of the Property to annex the Property to the City of Modesto.
- (b) The proposed annexation is consistent with the Urban Area General Plan and can be most efficiently served by City services.
- (c) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "E", attached hereto and by this reference incorporated herein, and

WHEREAS, on July 19, 2004, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2004-40, recommending to the City Council that they adopt the Resolution of Application for an amendment to add the Property to the City's sphere of influence and annexation of the Property to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on August 10, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation and sphere of influence amendment, and

WHEREAS, the City Council has received and considered the Final Environmental Impact Report for the Kaiser Modesto Medical Center/Cornerstone Business Park Project (SCH No. 2003072085) that analyzed the potential environmental effects of the proposed Sphere of Influence amendment and annexation and has, by separate resolution, certified said Final Environmental Impact Report.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. That the proposed sphere of influence amendment and annexation are consistent with the Modesto Urban Area General Plan, because they are consistent with General Plan Urban Growth Policy II.C.1.b., which states "Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services" and because the development resulting from the proposed Sphere of Influence amendment and annexation is consistent with the General Plan.
2. The Property proposed to be added to Modesto's sphere of influence and annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits "A", "B," and "C" attached hereto and by this reference incorporated herein.
3. The Property is located within Stanislaus County, is contiguous to the existing sphere of influence and City limits and can be most efficiently served with City services.
4. The proposed annexation will result in planned, orderly and efficient development of the area, and the most efficient provision of services.
5. An MSR and MSE has been prepared and approved for submission with the proposed application to amend the Sphere of Influence.
6. An agreement for the sharing of property taxes for the Property was approved by the Stanislaus County Board of Supervisors and the Modesto City Council on July 13, 2004.
7. Pursuant to Government Code section 56425(a), on or about June 14, 2004, City of Modesto representatives met with County of Stanislaus representatives to discuss the proposed sphere amendment and its

boundaries, and reached a verbal agreement that the parties would support Owners' request for an amendment to the City's sphere of influence and annexation to the City of Modesto for the purpose of constructing the proposed Kaiser Medical Campus/Cornerstone Business Park, in accordance with the proposed site plans attached hereto as Exhibit "D".

8. The proposed Property is not subject to a Williamson Act Contract pursuant to Government Code Sections 51200, et seq.
9. The proposed Sphere of Influence amendment and annexation is within the scope of the Kaiser Modesto Medical Center/Cornerstone Business Park Final EIR (SCH No. 2003072085) and has been adequately analyzed by the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution of Application for an amendment to add the Property to the City of Modesto's sphere of influence, for annexation of the Property to the City of Modesto and Modesto Sewer District No. 1 and the detachment of the Property from the Salida Fire Protection District.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that:

1. All owners of land within the affected Property have given their written consent to the reorganization and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council hereby consents to a waiver of conducting authority proceedings.
2. Pursuant to Government Code Section 56653, the City Council submit the plan for providing services as set forth in Exhibit "E", attached hereto and by this reference incorporated herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Exhibit "A"**

**WRITTEN LEGAL DESCRIPTION**

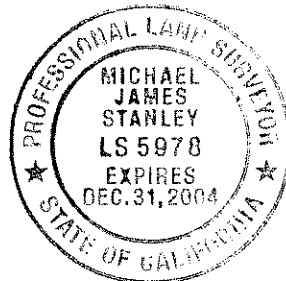
**Exhibit "A"**  
**Annexation**

That portion of the southeast quarter of Section 35, Township 2 South, Range 8 East, and the northeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County, California, described as follows:

**Commencing** at the Southeast corner of said Section 35; thence along the east line of said Section 35, North 00°21'25" West 94.96 feet to the general northerly line of the Kiernan Avenue Reorganization described in the Modesto City Council Resolution No. 98-657; thence along said general northerly line, South 89°38'35" West 25.00 feet to the **Point of Beginning** being the northwest corner of said Kiernan Avenue Reorganization; thence along the westerly line of said Kiernan Avenue Reorganization the following three (3) courses: 1) South 00°14'55" East 190.00 feet, 2) South 00°08'27" East 2581.23 feet 3) South 00°08'34" East 90.40 feet to the north line of the Fleur De Ville Reorganization described in the Modesto City Council Resolution No. 91-767; thence along said north line of Fleur De Ville, South 89°38'15" West 1282.99 feet to the southerly prolongation of the west line of the property described in the Grant Deed to Ronald Malik, recorded March 15, 2004, in Document Number 2004-0036445, Official Records of Stanislaus County; thence along said prolongation and west line of Malik, North 00°09'38" West 1413.25 feet to the south line of Parcel 2 described in the Grant Deed to Malik, recorded April 29, 2003, in Document Number 2003-0066261, Official Records of Stanislaus County; thence along said south line, South 89°32'28" West 358.24 feet to the southwest corner of said Parcel 2; thence along the west line of said Parcel 2 and the northerly prolongation thereof, North 00°09'38" West 1376.68 feet to the northerly right of way line of Kiernan Avenue (50 feet in width); thence along said northerly line of Kiernan Avenue, North 89°33'26" East 1186.91 feet to the northwest corner of the public road described in the Grant Deed to the State of California, recorded October 28, 1980, in Book 3376, Page 320, Official Records of Stanislaus County; thence along the general northerly line of said Grant Deed to the State of California the following two courses: 1) North 86°09'04" East 420.75 feet, 2) North 37°39'35" East 57.19 feet to the **Point of Beginning**, containing 93.71 acres, more or less.

This real property description has been prepared at Mark Thomas & Company, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

  
\_\_\_\_\_  
Michael J. Stanley



June 30, 2004

**Exhibit "B"**

**ANNEXATION PROPOSAL MAP**

LINE	COURSE	DIST. (FT)
1	N 00°21'25" W	94.96
2	S 89°38'35" W	25.00
3	S 00°14'55" E	180.00
4	S 00°08'27" E	2581.23
5	S 00°08'34" E	80.40
6	S 89°38'19" W	1282.99
7	N 00°09'38" W	1413.25
8	S 89°32'28" W	358.24
9	N 00°09'38" W	1376.88
10	N 86°33'26" E	1188.81
11	N 86°09'04" E	420.75
12	N 37°38'35" E	57.19

AREA: 93.71 ACRES



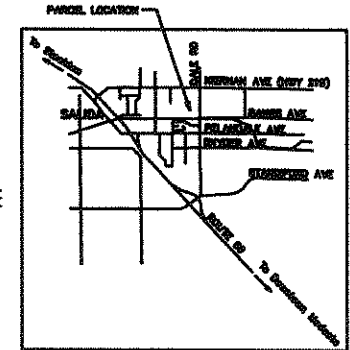
FLEUR DE VILLE REORGANIZATION  
DATE: 12/27/81

PROPOSED ANNEXATION BOUNDARY  
IN THE NE 1/4 OF SECTION 2,  
T.3S., R.8E & SE 1/4 OF  
SECTION 35 T.2S., R.8E M.D.M.

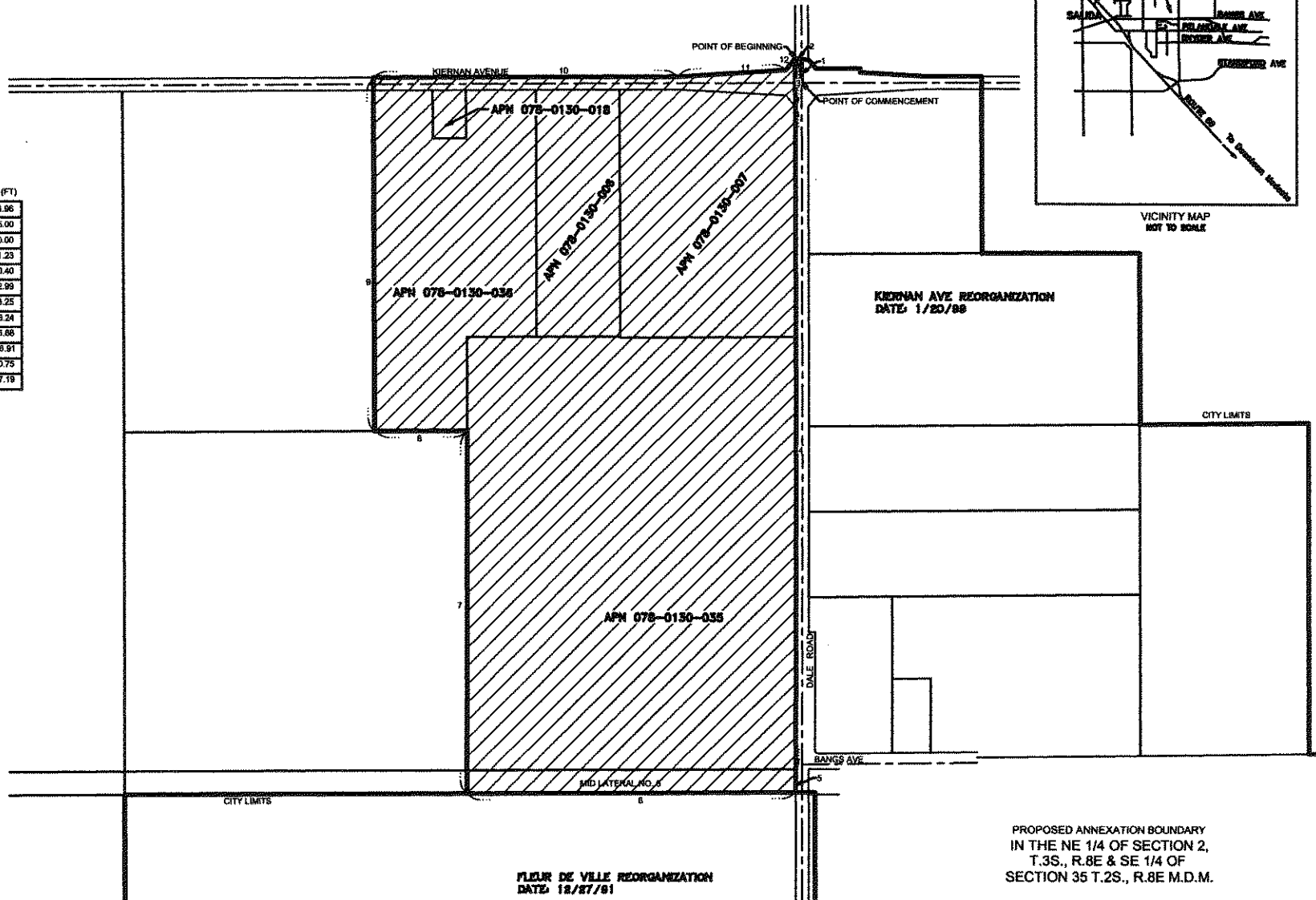
SONOMA COUNTY, CA  
SHEET 1 OF 1 SCALE: 1"=200' DATE: 05/26/84

**MARK THOMAS & COMPANY, INC.**

7700 FOLEY ROAD, SUITE 200  
SACRAMENTO, CALIFORNIA 95828  
(916) 381-8100

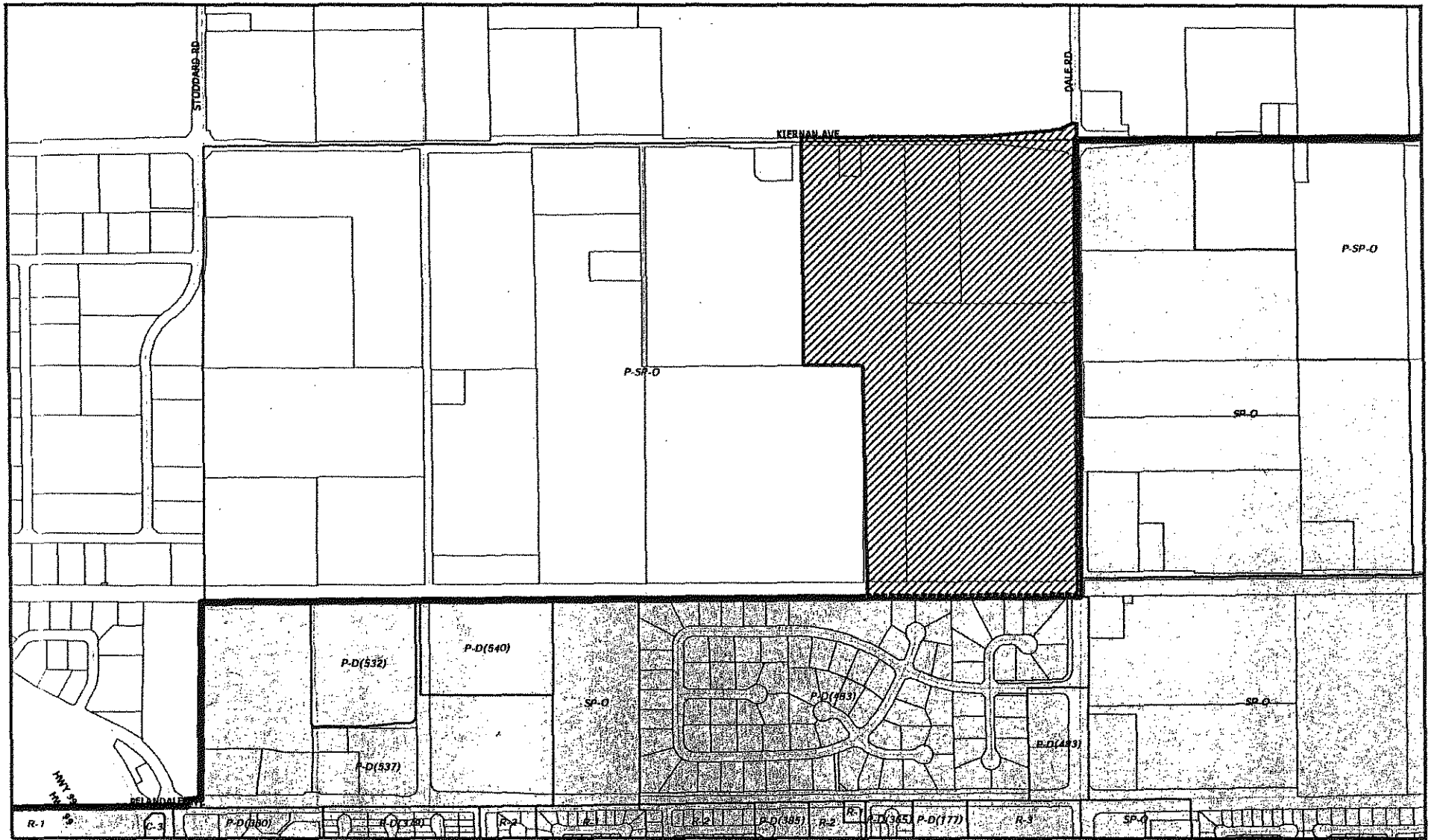


VICINITY MAP  
NOT TO SCALE






**Exhibit "C"**

**CITY OF MODESTO PROPOSED SPHERE OF INFLUENCE AMENDMENT**



11x8.5 1:10,000 S:\Advance Planning\Marsh\Water MGR MBE Maps\SOI amendment.mxd

## City of Modesto Proposed Sphere of Influence Amendment

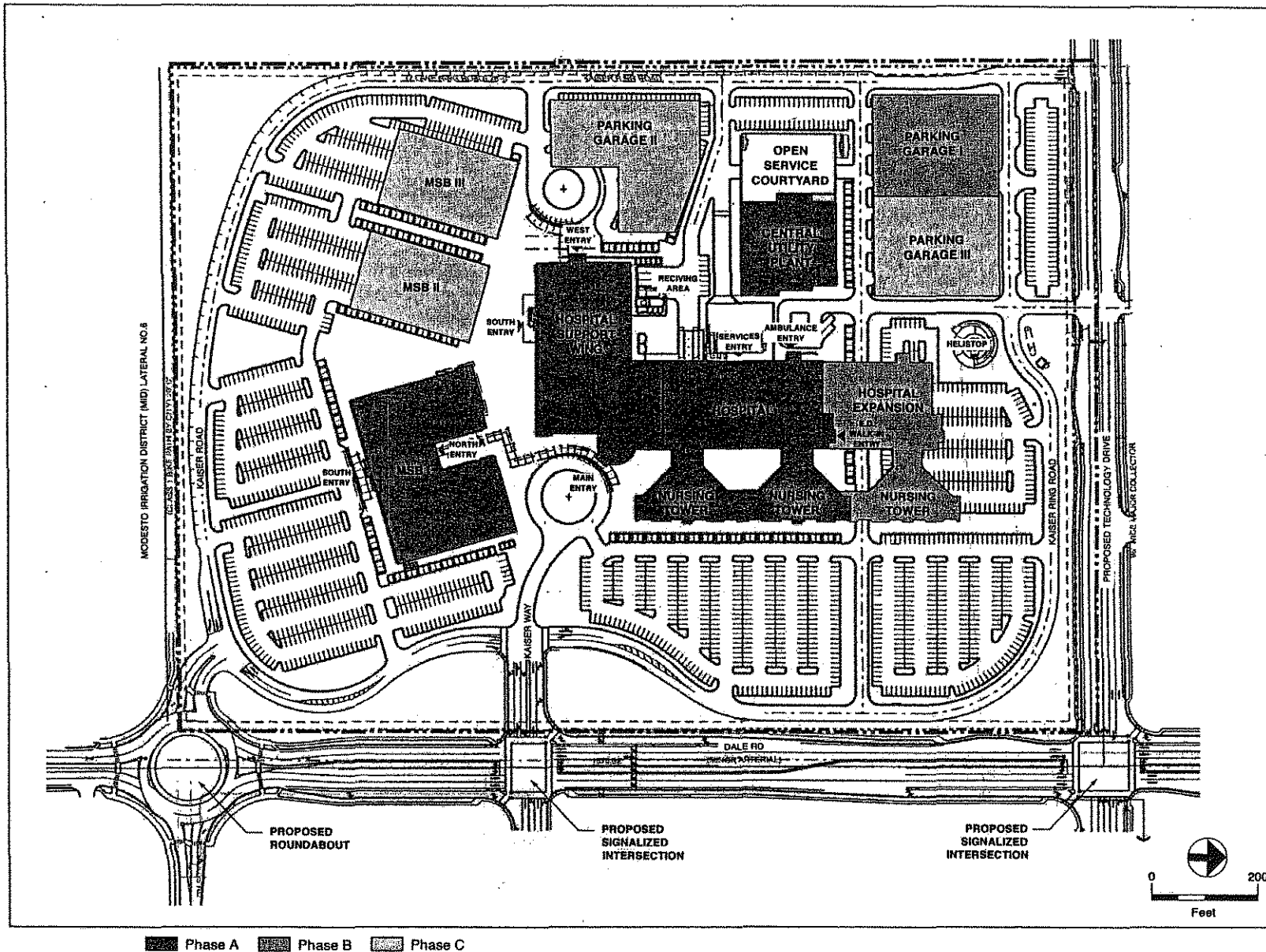
-  Existing Sphere of Influence
-  Proposed Sphere of Influence Amendment
-  City of Modesto Incorporated Area



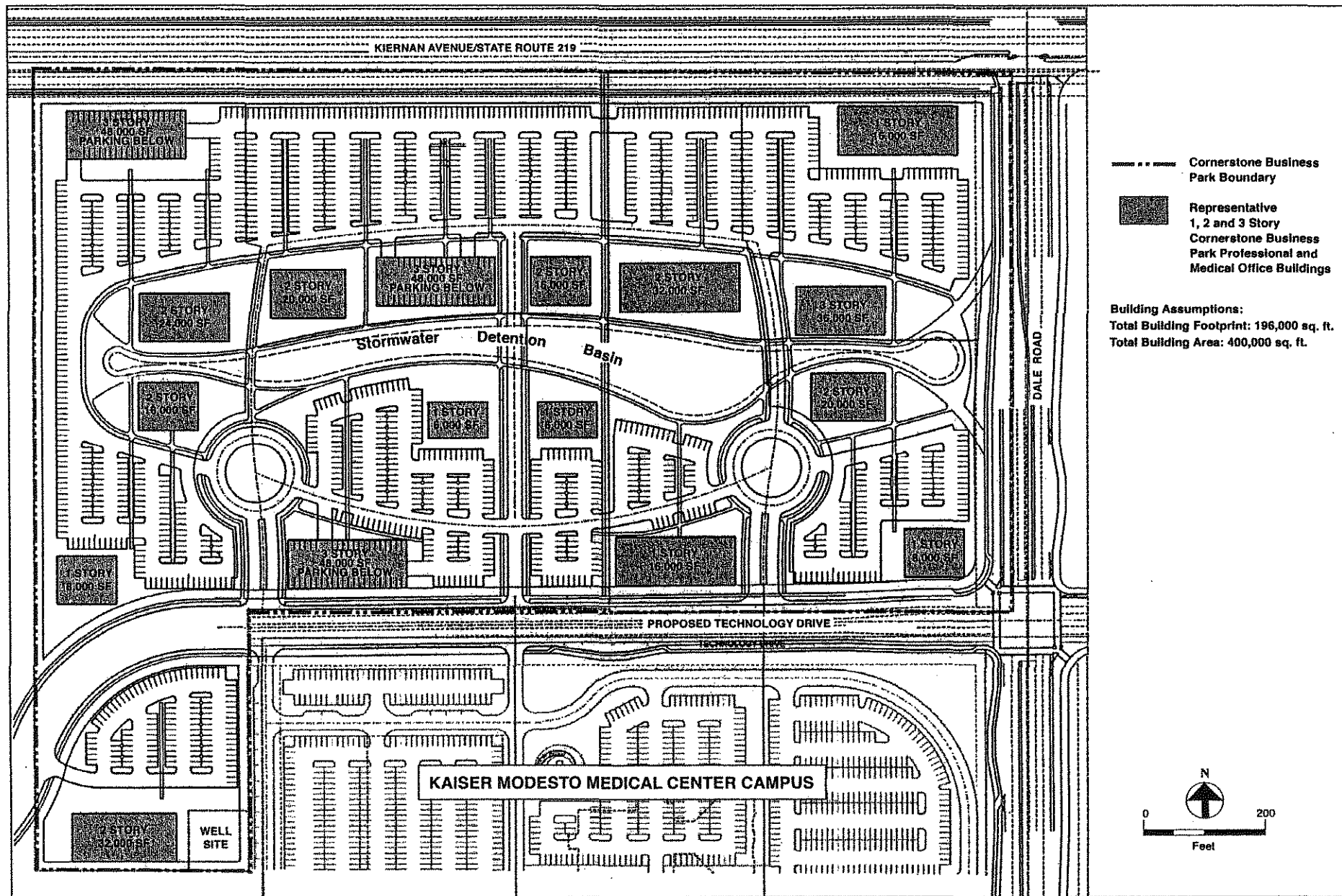
June 30, 2004

**Exhibit "D"**

**PROPOSED SITE PLANS FOR  
KAISER MEDICAL CENTER/CORNERSTONE BUSINESS PARK**

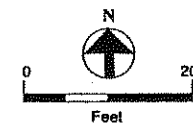


KAISER MODESTO MEDICAL CENTER / CORNERSTONE BUSINESS PARK PROJECT  
FIGURE III-2: KAISER MODESTO MEDICAL CENTER CAMPUS SITE PLAN



- Cornerstone Business Park Boundary
- Representative 1, 2 and 3 Story Cornerstone Business Park Professional and Medical Office Buildings

Building Assumptions:  
 Total Building Footprint: 196,000 sq. ft.  
 Total Building Area: 400,000 sq. ft.



**Exhibit "E"**

**PLAN FOR SERVICE**

## PUBLIC SERVICES PLAN

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Upon annexation, the City of Modesto will be the primary provider of a broad range of urban services to the Kaiser /Cornerstone Project. Table 1 summarizes current and proposed service providers to the Project. Table 2 summarizes required infrastructure improvements to the City's SOI, and specifically to the Kaiser/Cornerstone Project. The following sections describe the provision of major services to the Project.

### WATER SUPPLY

The Kaiser /Cornerstone Project will be served by the City of Modesto's municipal water system. The *Water Supply Assessment (WSA)* prepared by the City of Modesto for the Kaiser project estimates a future demand for water on the project site of 586,075 gpd. The Cornerstone Business Park is expected to generate a water demand of 83,663 gpd at buildout. Together, the entire project is projected to demand 670,000 gpd, or 750 acre-feet.

The proposed project includes plans for a new well on the southwest corner of the Cornerstone Business Park site. The well is designed to pump 800 to 1,000 gpm and would provide sufficient water to account for the entire demand from the Kaiser/Cornerstone project. The well would be constructed during Phase A of the development process.

### WASTEWATER COLLECTION AND TREATMENT

The City of Modesto's wastewater collection and treatment system will serve the project site. A portion of the collection facilities to serve the site are already in place, and have adequate capacity to serve additional flows from the project. The remaining lines necessary to convey wastewater from the site to the existing lines are already planned and will be developer-funded and constructed.

### STORM DRAINAGE

The City of Modesto will oversee the provision of storm drainage facilities and their maintenance. Both the Kaiser and the Cornerstone projects are required to develop a Storm Water Pollution Prevention Program (SWPPP) to comply with RWQCB regulations. Stormwater at both sites is intended to remain onsite, not creating any additional demand on downstream drainage facilities.

**Table 1**  
**Summary of Existing and Proposed Services and Providers**  
**City of Modesto**

Service	Providers Serving Modesto SOI		Proposed Providers upon Annexation
	Existing Providers Outside City Limits	Existing Providers Serving Kaiser/Cornerstone	
Government (including land use planning, finance, administration, public works, etc.)	County of Stanislaus	County of Stanislaus	City of Modesto
Water	City of Modesto serves some unincorporated areas; other existing residences served by non-City groundwater wells. Modesto Irrigation District serves ag water needs	Existing residences served by non-City groundwater wells.	City of Modesto Municipal Water System
Wastewater collection and treatment	City of Modesto serves some unincorporated areas; existing buildings currently served by septic tanks	Existing buildings currently served by septic tanks	City of Modesto Municipal Sewer District No. 1
Storm water drainage	County of Stanislaus, funding from CSA 7, CSA 8, and CSA 20	None: storm water drains to perimeter ditches and does not leave site.	On-site improvements responsibility of developer; runoff will not enter City storm drainage system
Roads, Circulation	County of Stanislaus (funding for street lighting in certain areas from dependent special districts)	County of Stanislaus (funding for street lighting in certain areas from dependent special districts)	City of Modesto
Police	Stanislaus County Sheriff and Modesto Area Office of the California Highway Patrol	Stanislaus County Sheriff and Modesto Area Office of the California Highway Patrol	City of Modesto Police Department, CHP patrols along state routes and county highways
Fire	Salida FPD Burbank/Paradise FPD Industrial, Woodland, Stanislaus Consolidated Fire Districts	Salida FPD	City of Modesto Fire Department
Solid Waste	Various private providers	Bertolotti Disposal	Gitton Solid Waste
Parks and Recreation	Stanislaus County	Stanislaus County	City of Modesto
Schools	Several School Districts	Stanislaus Union School District (elementary) Modesto City School District (high school)	No change
Mosquito Abatement	Turlock Mosquito Abatement District Eastside Mosquito Abatement District	Eastside Mosquito Abatement District	No change
Health Care	None	None	None
Cemetery	None	None	None
Resource conservation	None	None	None
Telephone	Various private providers	Various private providers	No change
Electricity & Natural Gas	PG&E, MID	PG&E, MID	No change

Source: City of Modesto and Economic & Planning Systems, Inc.

Table 2  
Summary of Service Provided by the City of Modesto and Capacities Needed to Serve Buildout of the Sphere of Influence  
City of Modesto

Service	Current (2004) Capacity/ Level of Service within City Limits	Current (2004) Service within Sphere of Influence	Capacity Required to Serve Kaiser/Cornerstone	Capacity Required to Serve Sphere of Influence Buildout	Plan for Improvements/ Increased Capacity in Place?	Primary Funding Sources
Wastewater Collection	City of Modesto collects sewage from entire City, plus unincorporated community of Empire, northern portion of City of Ceres, and some other unincorporated islands within Modesto's S.O.I.	The Empire Sanitary District collects wastewater from the town of Empire, but it is transferred for treatment to the City of Modesto. Wastewater from the northern part of the City of Ceres is collected by Ceres and treated by the City of Modesto. Existing buildings on the Kaiser/Cornerstone site have private septic tanks.	New collection infrastructure to be funded by developer; City's 30-inch wastewater collection line on Bangs Ave. is sufficient	Wastewater system will need to accommodate an average daily dry weather flow of 72 mgd to accommodate projected General Plan buildout.	Modesto Wastewater Master Plan 1995, currently being updated	Developer, User fees
Wastewater Treatment	Treats an average of 27.8 mgd (dry weather flow) plus cannery waste at two treatment plants. Treatment capacity is 82.7 mgd.		No additional capacity is expected to be needed at wastewater treatment plant.		Modesto Wastewater Master Plan 1995, currently being updated	
Water Supply and Distribution	Modesto pumps 42,625 acre-feet per year from the Modesto and Turlock sub-basins. Surface water from MID is treated at the regional water treatment plant with capacity to treat 33,607 acre-feet per year.	Several communities outside Modesto's City limits are served by Modesto's water system, including Salida, Empire, Waterford, Hickman, Grayson, and Del Rio, plus portions of the cities of Ceres and Turlock. The Riverdale Park Tract Community Service Water District provides potable water to 180 connections southwest of the City limits. Existing buildings on the project site have private wells.	Total water demand from Kaiser/Cornerstone is estimated to be 670,000 gpd or 750 acre-feet per year. A new well will be constructed on project site.	Construction of Phase II of the water treatment plant will increase treatment capacity of surface water to 80 mgd. Additional sources of water could come from a combination of conversion of agricultural water to urban uses, new water treatment technologies, and increasing conversion and reuse.	Modesto 2000 Urban Water Management Plan, Water Supply Assessment (WSA) for the Kaiser Modesto Medical Center	Cost of water treatment plant expansion funded by the City (user fees).
Police	1.3 Sworn Officers per 1,000 residents with a response time ranging from 5.8 to 6.5 minutes.	The Modesto Police Dept. occasionally responds to calls for service outside City limits. The Sphere of Influence is also served by the Stanislaus County Sheriff's Dept. and law enforcement and traffic control is provided by California Highway Patrol.	The Kaiser Medical Center will hire its own security force. The Modesto Police Department estimates the addition of one sworn officer to respond to increased number of calls and traffic incidents, but no new expansion of facilities required.	The Modesto Police Department will need to expand both its staffing and its facilities to serve population growth at the desired ratio of 1.85 sworn officers per 1,000 population. The Police Dept. projects the need for an additional 373 employees by General Plan buildout.	2003 Urban Area General Plan Community Services Element	Modesto General Fund, Capital Facilities Fees
Fire	Modesto Fire Department maintains an ISO rating of 2.	Fire service outside City limits is provided by the Burbank/Paradise, Industrial, Woodland, and Stanislaus Consolidated Fire Districts and the Salida Fire Protection District (SFPD). The Kaiser/Cornerstone site is served by the SFPD with an ISO rating of 8.	City of Modesto expects completion of Fire Station No. 11 (fall of 2004), which will serve northwest area, including Kaiser/Cornerstone. Secondary service provided by Fire Station No. 8. Also, development will require fire pumps and a fire service pipeline to provide adequate water pressure for multi-story buildings.	The Modesto Fire Dept. will require new fire stations and an expanded staff to serve General Plan buildout.	2003 Urban Area General Plan Community Services Element	Modesto General Fund, Capital Facilities Fees
Storm Drainage	11,000 rockwells serve 2/3 of the City and positive storm drains serve the remainder. Pipeline drainage empties to Tuolumne River, Dry Creek, or MID canals.	Three County Service Areas (CSAs) provide storm drainage control within City limits, not including the Kaiser/Cornerstone project site. On-site stormwater runoff flows to perimeter drainage ditches; site is highly permeable vegetated soil surface and surrounded by raised roadbeds, so on-site runoff is minimized and contained and off-site runoff does not enter site.	Kaiser proposes to construct pervious asphalt pavements on surface parking areas; runoff would permeate to underlying soils. At Cornerstone, runoff would be collected and conveyed to percolation basin onsite; thus no runoff would leave project site and the project would not contribute additional runoff to downstream drainage facilities. Additionally, the Kaiser/Cornerstone project must consider the possibility of hazardous materials discharge.	Developers are required to prepare Stormwater Management Plans and to self-finance or establish a Community Facilities District to finance new stormwater infrastructure.	City of Modesto Guidance Manual for New Development Stormwater Quality Control Measures ("Guidance Manual")	Developers, special districts
Circulation	Modesto strives to maintain LOS D, but some streets, especially during rush hour, do not meet this standard. The City operates a bus system but as of yet lacks extensive bicycle/pedestrian/carpool facilities.	Currently mostly rural roads; few transit, bicycle or pedestrian facilities. Bus service by Modesto Area Express (MAX). Street lighting funded by County dependent special districts.	The City will need to widen and reconfigure various existing roads, adding left and right turn lanes and installing new intersections.	Individual developers are required to plan for and fund local streets and off-site minor collector streets. The City will need to complete improvements on expressways, arterials, major collectors, and intersections as development occurs. The City will also need to purchase new buses, construct public transit infrastructure, and construct carpooling and bicycle facilities.	Fehr & Peers Transportation Impact Analysis for Kaiser Permanente Modesto Medical Center EIR Feb 2004.	Capital Facilities Fees, gas taxes, grants, developer dedications

Source: City of Modesto and Economic & Planning Systems, Inc.

## **CIRCULATION**

The City of Modesto will be responsible for assuring that adequate facilities for circulation are provided and maintained, and will also provide transit service to the project. Improvements to the area will be constructed by project developers, the City, and CalTrans, drawing on a variety of private, local, State and Federal sources.

## **FIRE PROTECTION**

Provision of fire service for the Kaiser/Cornerstone project site will transfer from the Salida Fire Protection District to the City of Modesto Fire Department. The City of Modesto expects to complete construction on Fire Station No. 11 in northwest Modesto by fall of 2004. This station will be located 1.5 miles east of the project site and will be the primary service provider to the site.

## **POLICE PROTECTION**

The City of Modesto's police department will serve the area. The project site is located contiguous to "Beat 66" in the City's northwest area of command. The nearest command center is in the Vintage Faire Mall and is located less than two miles south of the project site. Kaiser will employ its own on-site security maintenance force, and Modesto Police will be called when there is criminal activity on-site.

## **PARKS AND RECREATION**

The City of Modesto will manage public parks and recreation facilities available for use by the employees working in the area. Facilities managed by the City of Modesto's Parks, Recreation and Neighborhoods Department include parks, open space, community centers, pools, sports centers and other recreational resources.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-428**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM  
RIDENOUR AND COUNCILMEMBER GARRAD MARSH TO THE JPA  
GOVERNING BOARD FOR TENTH STREET PLACE**

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tenth Street Place JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Mayor JIM RIDENOUR and Councilmember GARRAD MARSH are appointed as the City Council representatives to the Tenth Street Place Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-429**

**A RESOLUTION OPPOSING PROPOSITION 66, A NOVEMBER 2004  
BALLOT INITIATIVE**

WHEREAS, the Council of the City of Modesto has considered the provisions of Proposition 66 relating to California's Three Strikes Law, and

WHEREAS, Proposition 66 would amend the Three Strikes law to require increased sentences only when the current conviction is for specified violent and/or serious felonies and only prior convictions for specified violent and/or serious felonies, brought and tried separately, would qualify for second and third strike sentence increases, and

WHEREAS, Proposition 66 would allow conditional re-sentencing of persons with sentences increased under the Three Strikes law if the previous sentencing offenses, or prior convictions used to increase sentences, would no longer qualify as violent and/or serious felonies, and

WHEREAS, Proposition 66 would therefore send thousands of convicted felons back to cash-strapped counties for re-sentencing and likely release, and

WHEREAS, these criminals are serving time for serious and violent crimes – threatening public safety and would cost taxpayers millions of dollars in new court and law enforcement costs, and

WHEREAS, the initiative would weaken the law against burglary, arson, felony gang crimes, felonies resulting in great bodily injury and violent crimes against the elderly and disabled, and

WHEREAS, a criminal spree of many felonies would only be a single strike, and

WHEREAS, the current structure of the Three Strikes law is effective in protecting our community and holding violent offenders accountable, and

WHEREAS, the California Police Chiefs Association, the California Governor and the California Attorney General have taken positions against Proposition 66, and

WHEREAS, the Attorney General predicts increased one-time costs of up to several tens of millions of dollars for jail and court-related costs and ongoing costs, and

WHEREAS, the Modesto Chief of Police desires to take a public position against this initiative,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is hereby opposed to the passage of Proposition 66, on the November 2004 ballot, into law.

BE IT FURTHER RESOLVED that the Modesto Chief of Police is hereby authorized to take a public stand against Proposition 66.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-430**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
JASON GORDO FROM THE CITIZENS ADVISORY COMMITTEE ON  
RECYCLING, EFFECTIVE SEPTEMBER 7, 2004**

WHEREAS, JASON GORDO was appointed a member of the Citizens Advisory Committee on Recycling on February 25, 2003; and

WHEREAS, JASON GORDO has tendered his resignation from the Citizens Advisory Committee on Recycling, effective September 7, 2004; and

WHEREAS, JASON GORDO has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of JASON GORDO from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JASON GORDO for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-431**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
JAYNA HAMEL FROM THE COMMUNITY QUALITIES FORUM,  
EFFECTIVE SEPTEMBER 7, 2004**

WHEREAS, JAYNA HAMEL was appointed a member of the Community Qualities Forum on February 24, 2004; and

WHEREAS, JAYNA HAMEL has tendered her resignation from the Community Qualities Forum, effective September 7, 2004; and

WHEREAS, JAYNA HAMEL has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of JAYNA HAMEL from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JAYNA HAMEL for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-432**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
CHARLES QUINONES FROM THE COMMUNITY QUALITIES FORUM,  
EFFECTIVE SEPTEMBER 7, 2004**

WHEREAS, CHARLES QUINONES was appointed a member of the  
Community Qualities Forum on February 25, 2003; and

WHEREAS, CHARLES QUINONES has tendered his resignation from the  
Community Qualities Forum, effective September 7, 2004; and

WHEREAS, CHARLES QUINONES has been a devoted and sincere public  
servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of CHARLES  
QUINONES from the Community Qualities Forum be, and hereby is accepted with  
regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its  
own behalf, and on behalf of the citizens of this City, hereby expresses its sincere  
appreciation to CHARLES QUINONES for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

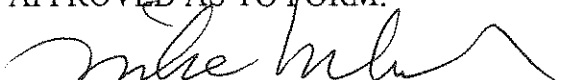
AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-433**

**RESOLUTION APPROVING A STANDARD AGREEMENT FOR  
CONSULTANT SERVICES WITH AARON READ & ASSOCIATES FOR STATE  
LOBBYING SERVICES FOR AN AMOUNT NOT TO EXCEED \$69,300 AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, On January 1, 2001, the City entered into an agreement with Aaron Read & Associates to perform legislative advocacy in Sacramento, and

WHEREAS, though originally hired to work solely on transportation issues, Aaron Read and Associates (ARA) have assisted the City with other state issues, and

WHEREAS, three members of their staff, Aaron Read, Terry McHale and Robyn Black have been responsible for performance of contracted services for the City, and

WHEREAS, ARA has provided key and critical advocacy for the City since January 2001, and

WHEREAS, their influence and assistance has spanned far beyond the area of transportation, and

WHEREAS, staff recommends that the City of Modesto execute a standard agreement for consultant services with Aaron Read & Associates for state lobbying services for an amount not to exceed \$63,900, and

WHEREAS, on August 11, 2004 the Finance Committee met and recommended support for this item,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto approves a standard agreement for consultant services with Aaron Read & Associates for state lobbying services for an amount not to exceed \$63,900.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 434**

**A RESOLUTION AMENDING THE  
FISCAL YEAR 2004-2005 ANNUAL BUDGET**

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in **Schedule A**.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Michael Musca  
 Telephone No.: \_\_\_\_\_  
 Department: Public Works  
 Fund Title: Airport

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. BT

August Monthly

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u> 05-6310-440-5412-8155		\$62,286	(\$62,286)		Misc Revenue
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
<u>TO</u> 05-6310-800-8000-8003	6310R		(\$62,286)	(\$62,286)	Airport Contingency

**COMMENTS/JUSTIFICATION**

This adjustment is to reduce the Misc Revenue. It was assumed when the Airport budget was submitted that the decision packages would be paid for from the reserves not additional revenue(approx 42k). Also, the outstanding loan was retired reducing the need for the additional amount in the Misc Revenue

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Paul Hom  
 Telephone No.: 75294  
 Department: Public Works  
 Fund Title: Capital Grants Fund

Council Action Date: 9-24-02  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**TRANSFERS**

<b>FROM</b>					
0700-700-A153-7230		\$44,504	\$121,000	\$165,504	Transfer out to 2300
<b>TO</b>					
2300-700-A153-9070		\$44,504	\$121,000	\$165,504	Transfer from Gas Tax

**APPROPRIATIONS**

<b>FROM</b>					
0700-800-8000-8003			(\$121,000)	(\$121,000)	Reserve
<b>TO</b>					
2300-160-A153-6010		\$30,000			Eng/Design
2300-160-A153-6040		\$313,000	\$121,000	\$434,000	Construction

**COMMENTS/JUSTIFICATION**

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AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Glen Carrington  
 Telephone No.: 75390  
 Department: Finance, City Manager, PRN

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: General Fund

FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**REVENUES**

<b>FROM</b>					
0100-020-0219-8129		\$50,000	(\$50,000)		Cable TV Settlement
0100-350-3801-4095		\$58,500	(\$50,000)	\$8,500	Misc. Special Services
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
0100-800-8000-8003			(\$100,000)	(\$100,000)	Reserve
<b>TO</b>					

**COMMENTS/JUSTIFICATION**

The cable settlement monies came in prior to the start of FY2005 for \$100,000 on June 29, 2004. We have received the funds in FY2004 and need to reduce the budget in FY2005. The impact to General Fund is as follows: Increase \$100,000 in FY2004 and Decrease in FY2005 of \$100,000 equals a net impact to General Fund of 0.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-435**

**A RESOLUTION AUTHORIZING THE PURCHASE OF GRANULAR ACTIVATED CARBON (GAC) FROM THE CITY OF FRESNO CONTRACT WITH CARBON ACTIVATED CORPORATION, COMPTON, CA, FOR A TERM OF ONE (1) YEAR, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, AT AN ESTIMATED ANNUAL COST OF \$176,000**

WHEREAS, granular activated carbon (GAC) units are pressure vessels filled with GAC, and

WHEREAS, the GAC is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, these vessels treat water down flow through a fixed bed of GAC, handling varying flows and on-off operating conditions, and

WHEREAS, the GAC has a life expectancy of approximately two (2) years while filtering contaminants out of groundwater, and

WHEREAS, the City of Modesto currently has nineteen (19) water wells retrofitted with GAC vessels, and

WHEREAS, in an ongoing effort to improve the quality of the City's drinking water, the Public Works Department, Water Division periodically replaces the GAC in these vessels as required, and

WHEREAS, a GAC unit typically contains two (2) vessels that hold 22,000 lbs of GAC in each vessel, and

WHEREAS, a unit change-out requires that the old GAC is removed and replaced with a total of 44,000 lbs of new GAC, and

WHEREAS, the average cost for one (1) City of Modesto unit change-out is approximately \$22,000, and

WHEREAS, there are approximately eight (8) unit change-outs performed annually, and

WHEREAS, the City of Modesto has historically “piggybacked” off of a competitively bid City of Fresno contract for the purchase of GAC, and

WHEREAS, the GAC that was bid by the City of Fresno meets all of the appropriate quality standards, and

WHEREAS, the City of Fresno went through a competitive bid process for the purchase of GAC and awarded a contract to the lowest responsive and responsible bidder, which was Carbon Activated Corporation, and

WHEREAS, to take advantage of this process and award by “piggyback” would be an efficient and effective way to purchase GAC, by shortening the time period required to begin unit change-outs, and by saving the time and expense to the City to formally solicit Request for Bids, and

WHEREAS, Carbon Activated Corporation has a ready supply of GAC and is able to furnish unit change-outs to the City of Modesto in an expeditious manner, thus minimizing downtime at the City’s water wells and pump stations, and

WHEREAS, adequate water pressure during high demand periods of the year would remain constant, which is critical for fire protection, and

WHEREAS, City staff recommends the purchase of GAC from the City of Fresno contract with Carbon Activated Corporation, Compton, CA, for a term of one (1) year, with two (2) one-year extension options, at an estimated annual cost of \$176,000, and

WHEREAS, the Modesto Municipal Code, MMC 8-3.203, generally requires all purchases, which meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, one exception, MMC8-3.204 (d), is available where the Purchasing Supervisor, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section MMC 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Supervisor invoked that exception for this purchase. The purchase of GAC from the City of Fresno contract with Carbon Activated Corporation, Compton, CA, will conform to MMC 8-3.204 (d),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of GAC from the City of Fresno contract with Carbon Activated Corporation, Compton, CA, for a term of one (1) year, with two (2) one-year extension options, at an estimated annual cost of \$176,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 436**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR HYDROCHLORIC  
ACID FOR AN INITIAL ONE-YEAR PERIOD, WITH FOUR (4) ONE-YEAR  
CONTRACT EXTENSION OPTIONS FOR A TOTAL ESTIMATED ANNUAL  
COST OF \$40,000.00**

WHEREAS, the Public Works Department-Water Quality Control (WQC) has requested the purchase of hydrochloric acid, and

WHEREAS, hydrochloric acid (HCL) is used during the river discharge season from October 1<sup>st</sup> through May 31. This product is utilized at the Jennings Road facility for pH adjustment as required in the City's NPDES permit, and

WHEREAS, the Jennings Road facility, located at 7007 Jennings Road, borders the San Joaquin River. The plant was constructed in 1965, and in 2002 the HCL system was installed due to change in NPDES permit requirements, and

WHEREAS, the system includes a 10,000 gallon storage tank and 2-75 gph feed pumps, and

WHEREAS, the hydrochloric acid is delivery by tanker truck with a maximum load capacity of 4,000 gallons per delivery, and

WHEREAS, The City Council has appropriated \$210,149.00 in account number 6210-480-5214-0312 for hydrochloric acid, and

WHEREAS, Modesto Municipal Code, (MMC) Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of hydrochloric acid for an initial one-year period, with four (4) one-year contact extension options for an estimated annual cost of \$40,000.00, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Supervisor to solicit formal Request for Bids (RFB) for hydrochloric acid for an initial one-year period, with four (4) one-year contact extension options for an estimated annual cost of \$40,000.00 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of hydrochloride acid to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-437**

**A RESOLUTION APPROVING AN AMENDMENT TO THE FIRST HOME AGREEMENT WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE MILLER POINTE PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT.**

WHEREAS, on November 20, 2001, the City of Modesto released Requests for Proposals for Affordable Quality Housing for Working Citizens for fiscal year 2001-2002; two organizations were awarded funding to provide multi-family units for very-low, low and moderate-income families, and

WHEREAS, on April 9, 2002, by Resolution No. 2002-168, the City Council approved the Citizens Housing and Community Development Committee's (CH&CDC) recommendations to allocate \$250,000 in fiscal year 2001-2002 HOME funds to the Miller Pointe project submitted by the Housing Authority of the County of Stanislaus, and authorized the City Manager to execute necessary documents, and

WHEREAS, on October 2, 2002, the City Council by Resolution 2002-519, approved the agreement with the Housing Authority of Stanislaus County to provide \$250,000 in HOME funds for the development of Miller Pointe project, and authorized the City Manager to execute the necessary documents, and

WHEREAS, on July 8, 2003, the City of Modesto released a Request for Proposals for fiscal year 2003-2004; the same organizations were awarded additional funding for the same projects they applied for during fiscal year 2001-2002, and

WHEREAS, while preparing the new agreement, staff realized that some terms of the first loan agreement needed clarification; after reviewing the loan documents, staff recommended amending the agreements to reflect the extension on the deadline to complete the construction of the units on or before June 30, 2005, instead of on or before

December 31, 2003, and clarifying that the principal of the loan shall bear simple interest and reflects the correct amount on the repayment of the loan based on the simple interest, and

WHEREAS, the regulatory agreement has been amended to add additional language to outline the affordability requirements for the units that are non-HOME assisted, to amend a typographical error; add language requiring that the landlord shall attend and complete a landlord training class sponsored by the Modesto Police Department, a requirement for the project to be certified under the City of Modesto Crime Free Multi-Housing Program; and add language regarding discrimination and form of nondiscrimination and non-segregation clauses, and

WHEREAS, the amendments will clarify the agreement, which will benefit the agencies that received the HOME Investment Partnership Program funds for the development of these two projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to the first HOME agreement with the Housing Authority of the County of Stanislaus for the Miller Pointe Project as set forth herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-438**

**A RESOLUTION APPROVING AN AMENDMENT TO THE FIRST HOME AGREEMENT WITH THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE 3333 CARVER ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT.**

WHEREAS, on November 20, 2001, the City of Modesto released Requests for Proposals for Affordable Quality Housing for Working Citizens for fiscal year 2001-2002; two organizations were awarded funding to provide multi-family units for very-low, low and moderate-income families, and

WHEREAS, on April 9, 2002, by Resolution No. 2002-168, the City Council approved the Citizens Housing and Community Development Committee's (CH&CDC) recommendations to allocate \$832,000 in fiscal year 2001-2002 HOME funds to the 3333 Carver Road project submitted by STANCO, and authorized the City Manager to execute necessary documents, and

WHEREAS, on September 3, 2003, by Resolution No. 2002-406, the City Council approved the agreement with STANCO to provide \$657,000 in HOME funds and \$175,000 in HOME CHDO-designated funds for the development of 3333 Carver Road, and authorizing the City Manager to execute the necessary documents, and

WHEREAS, on July 8, 2003, the City of Modesto released a Request for Proposals for fiscal year 2003-2004; the same organizations were awarded additional funding for the same projects they applied for during fiscal year 2001-2002, and

WHEREAS, while preparing the new agreement, staff realized that some terms of the first loan agreements needed clarification; after reviewing the loan documents, staff recommended amending the agreement to reflect the extension on the deadline to

complete the construction of the units on or before June 30, 2005, instead of on or before December 31, 2003, and clarifying that the principal of the loan shall bear simple interest and reflects the correct amount on the repayment of the loan based on the simple interest, and

WHEREAS, the regulatory agreement has been amended to add additional language to outline the affordability requirements for the units that are non-HOME assisted, to amend a typographical error; add language requiring that the landlord shall attend and complete a landlord training class sponsored by the Modesto Police Department, a requirement for the project to be certified under the City of Modesto Crime Free Multi-Housing Program; and add language regarding discrimination and form of nondiscrimination and non-segregation clauses, and

WHEREAS, the amendments will clarify the agreements, which will benefit the agencies that received the HOME Investment Partnership Program funds for the development of these two projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to the first HOME agreement with the Stanislaus County Affordable Housing (STANCO) for the 3333 Carver Road Project as set forth herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-439**

**A RESOLUTION ACCEPTING \$36,276 IN FEDERAL LAND AND WATER  
CONSERVATION FUND FUNDING FROM THE STATE OF CALIFORNIA  
RESOURCES AGENCY FOR CONSTRUCTION OF A PICNIC SHELTER AT  
ORVILLE WRIGHT NEIGHBORHOOD PARK AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT  
CONTRACT**

WHEREAS, staff has been notified by the State of California Resources Agency that the City of Modesto has been awarded \$36,276 in funding from the Federal Land and Water Conservation Fund (LWCF), and

WHEREAS, said funding will allow for construction of a picnic shelter at Orville Wright Neighborhood Park, and

WHEREAS, LWCF grants require a fifty percent (50%) local match which will come from Park Fund 1400, and

WHEREAS, in order to accept the funding, the City Manager must be authorized to execute the Grant Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts \$36,276 in funding from the Federal Land and Water Conservation Fund program for construction of a picnic shelter at Orville Wright Neighborhood Park.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Grant Contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-440**

**A RESOLUTION APPROVING A FIVE-YEAR LEASE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND METRO PCS  
CALIFORNIA/FLORIDA, INC., A DELAWARE CORPORATION, D/B/A  
METRO PCS, FOR A CELLULAR TOWER SITE LOCATED ON A PORTION  
OF CREEKSIDE GOLF COURSE, WITH THREE FIVE-YEAR OPTIONS TO  
EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE LEASE AGREEMENT.**

WHEREAS, Metro PCS California/Florida, Inc., a Delaware corporation, d/b/a Metro PCS, desires to lease a cellular tower site located on a portion of Creekside Golf Course for a period of five years, with three five-year options to extend the lease, for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of Creekside Golf Course to Metro PCS for said use for the sum of \$1,400.00 per month with a rental increase of three percent (3%) at the beginning of years two through five and a rental increase equal to the Consumer Price Index for the San Francisco/Oakland/San Jose Metropolitan Statistical Area (MSA) at the beginning of each renewal period, and

WHEREAS, Metro PCS is also willing to pay the City a lump sum of \$10,000 for the purpose of supporting The First Tee program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Five-Year Lease Agreement between the City of Modesto and Metro PCS California/Florida, Inc., a Delaware Corporation, d/b/a/ Metro PCS, for a cellular site located on a portion of Creekside Golf Course, with three, five-year options to extend the lease.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Lease Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:

By   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-441**

**A RESOLUTION AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR DEVELOPMENT OF A POLICY AND MARKETING PLAN FOR PROGRAM SPONSORSHIP AND THE DEVELOPMENT OF PRESENTATION SPONSORS FOR THE CITY'S PARKS, PROGRAMS, AND CITY OWNED PROPERTIES**

WHEREAS, on February 25, 2003, the City Council by Resolution No. 2003-95 accepted the Parks, Recreation and Neighborhoods Department's first Fund Development Report, and

WHEREAS, as part of City Council Resolution No. 2003-95, staff was directed to develop a policy and marketing plan for Corporate Program sponsorship, and

WHEREAS, City of Modesto staff has identified a special need for sponsorship funding for the City's Activity Guide, city recreational programs and park projects and maintenance, and

WHEREAS, City of Modesto staff, through the evaluation of the creation of the corporate program sponsorship, came to the conclusion that the marketing of sponsorships for the City is a specialized field, and

WHEREAS, City of Modesto staff believes that City staff does not have the depth of expertise that is needed to be successful in marketing of sponsorships, and

WHEREAS, the City of Modesto staff is interested in issuing a Request for Proposal to qualified companies to successfully serve the City in developing a policy and marketing plan for Presentation Sponsors, which will include the City's activity guide, parks and City-owned properties as well as their projects, programs and aesthetics,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby authorizes staff to issue a Request for Proposal to search for a qualified company to develop a policy and marketing plan for Program Sponsorship and the development of Presentation Sponsors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-442**

**A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A SOLE SOURCE AGREEMENT WITH PACIFIC MEDIA GROUP FOR DEVELOPMENT OF A MARKETING PLAN FOR NAMING RIGHTS TO MODESTO CENTRE PLAZA**

WHEREAS, on February 25, 2003, the City Council, by Resolution No. 2003-95, accepted the Parks, Recreation and Neighborhoods Department's first Fund Development Report, and

WHEREAS, as part of City Council Resolution No. 2003-95, staff was directed to develop a policy and marketing plan for Corporate Naming Rights and to identify properties to include in naming rights inventory, and

WHEREAS, City of Modesto staff has identified the Modesto Centre Plaza as a premier City owned property to be the first of City-owned property to acquire naming rights sponsorship, and

WHEREAS, City of Modesto staff, through the evaluation of the creation of the corporate naming rights sponsorship, came to the conclusion that the marketing of naming rights and sponsorships for the City is a highly specialized field. The field is limited to both knowledge of the local area and businesses as well as expertise in the corporate naming rights market, and

WHEREAS, City of Modesto staff believes that City staff does not have the depth of expertise that is needed to be successful in corporate naming rights, and

WHEREAS, the City of Modesto staff has located a company, Pacific Media Group, that has both the local contacts and the expertise in naming rights marketing

within the Modesto market area, and recommends negotiating a sole source agreement with Pacific Media Group,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby authorizes staff to negotiate a sole source agreement with Pacific Media Group for the development of a marketing plan for naming rights for the Modesto Centre Plaza.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-443**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATIONS REVISED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

1. Transportation Planner
2. Laboratory & Environmental Monitoring Supervisor

The job specification for Transportation Planner is being revised as a result of a job audit recently completed on this classification. The specification for the classification of Transportation Planner as shown on the attached **Exhibit "A,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

The job specification for Environmental Laboratory Supervisor is being revised as a result of a title change from Laboratory and Environmental Monitoring Supervisor to Environmental Laboratory Supervisor. The specification for the classification of Environmental Laboratory Supervisor as shown on the attached **Exhibit "B,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 7, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## TRANSPORTATION PLANNER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To perform professional work in transportation planning and transportation demand management. To administer, coordinate, and implement city-wide and area-wide transportation/circulation plans, incorporate system improvements and traffic management to meet both current needs and future development.

### SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher-level engineering staff the Traffic Engineer or Deputy Director of Public Works.

May exercises functional and technical supervision over assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Conduct feasibility studies and planning for transportation deficiencies and improvements.

Develop, prepare and review transportation policies and transportation systems for the General Plan, specific plans, and precise plans.

Develop and update policies, guidelines, and specifications for street and street access design in the City's Standard Specifications.

Update street projects in the City Capital Facility Fee (CFF) Program. Review CFF documents, conduct analyses and recommend specific CFF rates for developments.

Conduct, direct and review advanced level traffic studies and analyses. Perform and check traffic engineering simulation. Check intersection geometric design, traffic signal phasing and timing, roadway capacity, traffic delay and queuing; conduct engineering calculation and prepare drawings.

Review, evaluate, and make recommendations on public and private development maps, site plans and designs, conditional use permits, rezoning and lot line adjustment proposals. Ensure project compliance with Federal, State

and local traffic/transportation laws, rules, and regulations.

Confer and negotiate with developers, business and property owners, consultants, attorneys, and various agencies and jurisdictions including state, county adjacent cities, schools and hospitals on traffic issues, conditions of approval and traffic impact mitigation measures.

Coordinate with state, regional agencies, adjacent jurisdictions and city departments on transportation system planning, street classifications, design standards, traffic modeling applications and requirements.

Manage and enhance the computerized travel forecast model, and develop traffic forecast and analyses for decision making on long-range citywide transportation plan alternatives, area-wide specific plans, current land developments, capital facility improvement and operation projects and Caltrans freeway interchange design alternatives.

Make recommendations to engineers on traffic operation studies, project development and improvement plan checking on traffic-related issues.

Provide information and interpretation on City policies, street classifications, right of way, design standards, and other traffic related issues to citizens, businesses and developers; respond to members of the public on a wide range of transportation related matters; resolve citizen complaints.

~~Prepare traffic studies to analyze land use impact on traffic flow and circulation and recommend mitigations:~~

Direct, review, and conduct traffic, economic, and demographic data collection, statistical analyses and research. ~~To append and edit the City Traffic Model data base.~~

~~Use City's Traffic Model to forecast future traffic, and traffic impacts, due to proposed developments and changes to City's transportation systems.~~

~~Determine impact location and areas for traffic studies, discuss the scope of traffic studies with developers and consultants:~~

~~Comment on traffic studies prepared by consultants:~~

Prepare both oral and written reports and represent City staff at the Planning Commission and City Council meetings regarding transportation planning, traffic demand forecast and management issues.

~~Participate with Planning and Community Development staff in writing and/or amending the Land Use Element and Circulation Element of the General Plan.~~

~~Develop most efficient routing for intercity transit buses. Provide information to the public; respond to and resolve citizen inquiries and complaints.~~

May participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employees terminations.

Participate in the preparation of the departmental budget.

~~Coordinate Capital Improvements Program submittals.~~

Perform related duties as assigned.

### QUALIFICATIONS

#### Knowledge of:

Theories, principles and practices of transportation planning, traffic engineering, and urban planning. ~~Transportation planning process and analytical planning techniques.~~

Transportation system management, access management and travel demand management.

Pertinent Federal, State and local rules, regulations, ordinances and policies.

Travel demand model and traffic simulation model theory, technology, software packages, the current literature and new methods.

Transportation funding source and mechanism at Federal, State and local levels.

~~Procedures related to transportation planning and micro processing applications.~~

A variety of information management systems and applications including GIS, database management and computer programming.

~~Computer simulation models for developing traffic scenarios.~~

Research methods and statistical analysis and source of data and information.

Ability to:

Apply transportation and traffic engineering principles and techniques to a variety of assigned functional areas.

Perform a wide range of duties involving sensitive issues simultaneously under tight time lines.

Conduct comprehensive traffic related studies, prepare reports and make sound decisions and appropriate recommendations based on professional judgment and experience.

Develop innovative approaches and solutions to a variety of issues.

Ensure project compliance with State, Federal and local rules, laws and regulations.

Recommend street coverage in CFF and develop CFF rates for specific development projects.

Perform travel forecast modeling and traffic simulation modeling.

Communicate effectively and establish positive working relationships with a wide variety of people at all levels of the organization including staff, outside agencies, citizens, businesses, developers and property owners. Effectively communicate orally and in writing.

Prepare clear and accurate reports, memos and other correspondence.

Read and understand desk-top computer program instructions, input data and perform interactive operations to obtain desired results.

Prepare and monitor a program budget.

Plan, direct, and coordinate work of others.

Supervise, train and evaluate assigned staff.

~~Establish and maintain cooperative working relationships with those contacted in the course of work.~~

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible professional transportation planning/traffic engineering experience.

Training:

A Bachelor's degree from an accredited college or university with major course work in civil/transportation engineering, transportation planning or a related field. A master's degree in a similar field is highly desirable.

License

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; exposure to traffic.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, bending and stooping to retrieve files, walking, measuring and using a personal computer and other office equipment.

~~LABORATORY & ENVIRONMENTAL MONITORING SUPERVISOR~~  
~~ENVIRONMENTAL LABORATORY SUPERVISOR~~

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Supervise, plan, direct, and coordinate the City's Laboratory and Environmental Monitoring Program; to maintain the consistency of the City's Laboratory with State and Federal mandates, approved standards and quality assurance and control; to maintain consistency of the City's Environmental Monitoring Programs with State and Federal mandates; to direct the implementation of required sampling and testing; to direct the activities related to state, Federal and local regulations regarding stormwater and pretreatment sampling and industrial discharges into the City's wastewater collection system; to direct the monitoring, sampling and record keeping associated with compliance with discharge permits; to coordinate the development and maintenance of a data base regarding Industrial, pretreatment, Water Quality processes, and Water Quality discharge samples and testing, to correspond and write required documents associated with NPDES discharges; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is a single-position, first level supervisor for the Laboratory and Environmental Monitoring functions. The incumbent is responsible for supervising two major programs consisting of laboratory and environmental sampling and directing the work of assigned staff, ensuring that programs are fully implemented and meet required standards and mandates. In addition, the incumbent has a major role in the development of new markets for water quality and water laboratory services.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Deputy Director of Operations and Maintenance. Exercises direct and indirect supervision over technical and clerical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

ESSENTIAL FUNCTIONS, Continued:

Direct Industrial and Water Quality Control sampling and testing programs and Laboratory Staff in accordance with regulations, standards, and quality assurance requirements.

Coordinate the development of additional markets for existing laboratory services and recommend further testing apparatus be purchased based on cost effectiveness or the need to meet regulatory requirements.

Coordinate with the Water Operations Division and other existing clients to make sure client monitoring, sampling, testing, and reporting needs are being met.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in selection of staff.

Develop programs for the implementation and enforcement of environmental monitoring, sampling, and testing programs to protect collection systems, groundwater, and receiving waters in compliance with state, Federal, and local laws, regulations, and ordinances.

Develop and manage program budgets, projecting future goals and projects based on program elements, ensuring proper spending and funding.

Oversee development and submission of required reports for State and Federal regulatory agencies associated with programs.

Monitor and coordinates contractual service activities related to effluent discharges, storm water, and pretreatment sampling activities.

Meet with industry managers to discuss current pretreatment sampling needs and pending regulations.

Oversee the development and maintenance of a laboratory, water quality control, and environmental monitoring database.

Meet with various City and community groups and committees to discuss Laboratory and environmental monitoring issues.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Program planning and development methods and techniques.

Principles of budget development and fiscal monitoring.

Principles and practices of water/wastewater laboratory operations, maintenance, and services.

Approved related laboratory practices and procedures.

Pertinent State and Federal environmental health and water quality regulations.

Policies and procedures of the City's Environmental Compliance Program.

State and Federal laws, rules, regulations, requirements and procedures governing laboratory and pretreatment, and storm water sampling including applicable local ordinances, and related State and Federal regulations.

Chemical, biological, physical, and environmental sciences.

Principles and practices of environmental sampling and testing, methods and practices.

Functions and operations of State and Federal environmental health and regulatory agencies.

Sampling techniques and standards.

Computers and software used in laboratory testing and environmental sampling.

Principles of personnel administration including staff supervision, training, and performance evaluation.

Ability to:

Plan, develop, organize, implement, and direct laboratory and environmental monitoring programs and staff to ensure compliance with State and Federal programs.

Supervise and train staff to perform a variety of laboratory and environmental monitoring and associated activities.

Analyze, and interpret environmental data, reaching valid conclusions.

Prepare a variety of technical reports, which includes use of word processing and spreadsheet software.

Develop budget and conduct fiscal monitoring activities.

Prepare or oversee the preparation of a variety of technical program reports.

Operate a variety of office and technical equipment and computers in the performance of laboratory sampling and testing and environmental monitoring.

Effectively represent the Environmental Services Section of the Water Quality Control Division in contacts with the public, businesses, engineers, architects, and other City staff.

Establish and maintain cooperative working relationships.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years of experience performing laboratory analyses chemical, biological, or microbiological analysis and/or a variety of laboratory work including with emphasis on environmental monitoring, sampling, and analysis of water, wastewater or other closely related environmental samples, including at least one year of lead or supervisory experience

Training:

Education equivalent to completion of college degree in biology, chemistry, biochemistry, or closely related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California Driver's license.

Possession of a valid CWEA Grade II Laboratory Certificate within two and a half years (2.5 years) years of appointment. Possession of a CWEA Grade III Laboratory Certificate within four (4) years of appointment.

Completion of Hazardous Material Forty-Hour (40) First Responder Training, as prescribed by the State Office of Emergency Services within two (2) years of appointment.

WORKING CONDITIONS

Environmental Conditions:

Work is usually performed in office environment; some work is performed in varying temperatures and humidity; some exposure to dust; possible exposure to hazardous waste and materials; possible

Environmental Conditions, Continued:

exposure to gases, fumes, and a variety of pollutants; contact with other staff and the public.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, and frequently standing and walking.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-444**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO CHANGE THE TRANSPORTATION PLANNER FROM RANGE 438 TO RANGE 440 AND TO CHANGE THE TITLE OF LABORATORY AND ENVIRONMENTAL MONITORING SUPERVISOR TO ENVIRONMENTAL LABORATORY SUPERVISOR REMAINING AT RANGE 434.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 Effective April 8, 2003, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective September 7, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the salary range for Transportation Planner from Range 438 to Range 440 and changes the title of the Laboratory and Environmental Monitoring Supervisor to Environmental Laboratory Supervisor remaining at Range 434.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 7, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **September 7, 2004**

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RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Administrative Technician (Confidential)
414	
415	Senior Administrative Office Assistant (Confidential) Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary (Represented) Legal Services Technician Systems Technician

Exhibit "A"

RANGE      TITLE

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421

422    Office Supervisor  
      Utility Dispatch Supervisor  
      Workers' Compensation Claims Examiner I

423    Custodian Supervisor

424    Assistant Planner  
      Buyer  
      Police Facilities Coordinator

425    Administrative Analyst I

426    Police Civilian Supervisor  
      Stores Manager

427    Assistant City Clerk/Auditor  
      Legal Services Administrator  
      Workers' Compensation Claims Examiner II

428    Accountant II (Represented)  
      Senior Buyer

429

430    Associate Planner  
      Community Services Supervisor  
      Events Supervisor I  
      Junior Civil Engineer  
      Junior Traffic Engineer  
      Senior Crime Analyst

431    Administrative Analyst II  
      Assistant Risk Manager  
      Budget Analyst I  
      Geographic Information Systems Analyst  
      Personnel Analyst  
      Recycling Program Coordinator  
      Senior Community Development Program Specialist  
      Systems Analyst

Exhibit "A"

RANGE      TITLE

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432    Communications Specialist  
Customer Services Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor  
Water Quality Control Operations Supervisor

433    Organizational Development Specialist

434    Assistant Civil Engineer  
Assistant Traffic Engineer  
Budget Analyst II  
Electrical Supervisor  
**Environmental Laboratory Supervisor**  
Events Supervisor II  
Geographic Information Systems Coordinator  
Operations Supervisor  
Regulatory Compliance Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Senior Programmer Analyst

435    Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst

436    Senior Planner

437

Exhibit "A"

RANGE      TITLE

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- 438    Budget Officer  
      Development and Operations Coordinator  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      Systems Engineer
- 439    Administrative Services Officer  
      Community Facilities Districts Administrative Officer
- 440    Associate Civil Engineer**  
      Associate Traffic Engineer  
      **Transportation Planner**
- 441    Airport Manager  
      Building Maintenance Superintendent  
      Fire Marshal  
      Fleet Manager  
      Parks Operations Superintendent  
      Parks Planning and Development Manager  
      Recreation Superintendent  
      Solid Waste Program Manager  
      Streets Engineer  
      Transit Manager  
      Urban Forestry Superintendent  
      Wastewater Collections Superintendent  
      Water Superintendent
- 442    Customer Services Division Manager  
      Information Services Manager  
      Manager of Budget and Financial Analysis  
      Supervising Building Inspector  
      Supervising Construction Inspector
- 443

RANGE	TITLE
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444	Deputy Chief Building Official Principal Planner
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445	Accounting Division Manager
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446	Water Quality Control Superintendent
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447	Business Development Division Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-445**

**A RESOLUTION INCREASING THE DIRECTOR OF PUBLIC WORKS'  
AUTHORITY TO ISSUE CHANGE ORDERS ON THE "CENTRE PLAZA  
ELEVATOR EXTENSION" PROJECT FROM \$25,000 TO \$41,000.**

WHEREAS, on February 24, 2004, the City Council awarded a \$232,900 contract to TCB Industrial, Inc. to construct the "Centre Plaza Elevator Extension" project, and

WHEREAS, the contractor started work on March 29, 2004, and

WHEREAS, additional work not included in the original bid needs to be added to the project to allow completion of a useable elevator that conforms to code requirements, and

WHEREAS, the cost of the extra work could be as high as an estimated \$41,000, an amount, which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of \$25,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director's authority level to issue change orders, from \$25,000 to \$41,000 for the project entitled "Centre Plaza Elevator Extension."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-446

**A RESOLUTION ACCEPTING THE WORK BY R. E. MCCOLLUM FOR THE "PUMP STATION 65 AT TANK 5" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$521,153.96 PER THE CONTRACT. TOTAL PROJECT COST IS \$574,135.61.**

WHEREAS, a report has been filed by the Public Works Director that the project titled "Pump Station 65 at Tank 5" has been completed by R. E. McCollum in accordance with the contract agreement dated April 1, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Pump Station 65 at Tank 5" project be accepted from said contractor, R. E. McCollum, that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$521,153.96 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-447**

**RESOLUTION ACCEPTING THE WORK BY SB CABLE, JOINT VENTURE FOR THE "EXPAND ATMS NORTHWEST" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$426,289.80 PER THE CONTRACT. TOTAL PROJECT COST IS \$543,640.08.**

WHEREAS, a report has been filed by the Public Works Director that the project titled "Expand ATMS Northwest" has been completed by SB Cable, Joint Venture in accordance with the contract agreement dated May 6, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Expand ATMS Northwest" project be accepted from said contractor, SB Cable, Joint Venture, that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$426,289.80 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-448

RESOLUTION ACCEPTING THE WORK BY AGEE CONSTRUCTION CORPORATION FOR THE "KANSAS-NEEDHAM OVERHEAD" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$9,568,163.97 PER THE CONTRACT. TOTAL PROJECT COST IS \$17,116,212.40.

WHEREAS, a report has been filed by the Public Works Director that the project titled "Kansas-Needham Overhead" has been completed by Agee Construction Corporation in accordance with the contract agreement dated May 7, 2002.

NOW, THEREFORE, BE IT RESOLVED that the "Kansas-Needham Overhead" project be accepted from said contractor, Agee Construction Corporation, that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$9,568,163.97 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-449**

**RESOLUTION ACCEPTING THE WORK BY JF PACIFIC LINERS, INC., FOR THE "2004 SEWER MAIN AND BRICK MANHOLE REHABILITATION" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$191,766.35 PER THE CONTRACT. TOTAL PROJECT COST IS \$239,381.52.**

WHEREAS, a report has been filed by the Public Works Director that the project titled "2004 Sewer Main and Brick Manhole Rehabilitation" has been completed by JF Pacific Liners, Inc., in accordance with the contract agreement dated January 6, 2004.

NOW, THEREFORE, BE IT RESOLVED that the "2004 Sewer Main and Brick Manhole Rehabilitation" project be accepted from said contractor, JF Pacific Liners, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$191,766.35 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-450**

**A RESOLUTION REJECTING THE SOLE BID FOR THE PROJECT TITLED  
“COMMUNITY GATEWAY” AND AUTHORIZING STAFF TO RE-  
ADVERTISE THE PROJECT AT A FUTURE DATE**

WHEREAS, the bid received for Community Gateway was opened at 11:00 a.m. on August 17, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, during the bid evaluation process staff determined that the sole bid for the project unreasonably exceeded the Engineer’s estimate. Therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sole bid received for “Community Gateway,” opened in the office of the City Clerk on August 17, 2004, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-451**

**A RESOLUTION AMENDING THE ROUNDABOUT POLICY TO INCLUDE  
THE FEDERAL HIGHWAY ADMINISTRATION AND CALTRANS  
GUIDELINES AND RESCINDING RESOLUTION NO. 2004-114**

WHEREAS, staff has been implementing roundabout installations in both newly developing areas and in retrofit areas in Modesto, and

WHEREAS, there is currently an accepted City policy regarding guidelines for use and installation of roundabouts, and

WHEREAS, staff developed a Roundabout Policy to create consistent guidelines for installation and use of roundabouts, and

WHEREAS, on September 3, 2002, by Resolution No. 2002-432 the City Council adopted the Roundabout Policy, and

WHEREAS, on February 24, 2004, by Resolution No. 2004-114 City Council adopted the amended Roundabout Policy to include 1,000 ft notification area, and

WHEREAS, the Federal Highway Administration (FHWA) and Caltrans have established guidelines for the design of roundabouts, and

WHEREAS, staff recommends that the Roundabout Policy be amended to include the FHWA and Caltrans guidelines for the design of roundabouts, and

WHEREAS, the Economic Development Committee at their July 12, 2004 meeting reviewed and approved staff's recommended changes to the Roundabout Policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Roundabout Policy to include the Federal Highway Administration and Caltrans guidelines for the design of roundabouts, a copy of which is attached hereto as **Exhibit "A"**, and incorporated by reference as though fully set forth herein.

BE IT FURTHER RESOLVED that effective September 7, 2004, Resolution No. 2004-114 adopted on February 12, 2004, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## **MODESTO ROUNDABOUT POLICY**

**This policy was approved and revised as per City Council  
Resolution 2004-114 at the City Council meeting of  
February 24, 2004**

## Roundabout Policy

- I. Introduction
- II. Modern Roundabouts – What Are They?
- III. The Benefits of Roundabouts
- IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.
- V. Roundabout Justification
- VI. Implementation Strategy
- VII. Design Criteria
- VIII. Roundabout Installation in Newly Developing Areas
- IX. Roundabout Installation at Retrofit Locations
- X. Operation & Maintenance
- XI. Appeal of Staff Decision

## **I. Introduction**

Each year the City receives numerous requests to reduce the traffic congestion on streets throughout the City. Citizens also express concerns about the safety of the streets on which they live. In an effort to find appropriate ways to deal with these concerns, reduce traffic congestion and improve safety, the City has recently considered the use of roundabouts.

The purpose of this Roundabout Policy is to establish guidance on where roundabouts are to be used in the City, to describe the performance and operation of roundabouts, and to give general guidance on design standards for roundabouts, so that high standard and uniform design can be implemented. It is recognized that the use and design of roundabouts in the United States is an emerging technology and that as the technology improves, changes in design and application will be modified so that the best available practices can be implemented.

## **II. Modern Roundabouts – What Are They?**

In essence, a roundabout is a traffic circle that has been refined in its design principles and characteristics. These improved principles and design standards have made roundabouts a safe and efficient form of intersection control.

Traffic circles have many forms, but their common feature is that they are designed around a central island that prevents vehicles from passing through them on a linear path. Until recently, roundabouts have been slow to gain support in this country. The lack of acceptance can generally be attributed to the negative experience with traffic circles built in the earlier half of the twentieth century. Severe safety and operational problems caused these traffic circles to fall out of favor by the 1950's. However, substantial progress has been achieved in the subsequent design of circular intersections, and a modern roundabout should not be confused with the traffic circles of the past.

The modern roundabout is defined by four basic principles that distinguish it from a nonconforming traffic circle.

1. Roundabouts follow the “yield-at-entry” rule, in which approaching vehicles must wait for a gap in the circulating flow before entering the circle, whereas traffic circles require circulating vehicles to grant the right of way to entering vehicles.
2. Roundabouts involve low speeds for entering and circulating traffic, as governed by small diameters and deflected entrances. In contrast, traffic circles emphasize high-speed merging and weaving, made possible by larger diameters and tangential entrances.
3. Compared to most traffic circles, roundabouts are small. Usually, a roundabout can be retrofitted within the space used by an existing traffic signal or stop-controlled intersection, with little or no additional right-of-way required.
4. At the entrance of each roundabout, triangular ‘splitter islands’ prevent drivers from going around the circle the wrong way, and simultaneously provide a safe refuge for crossing pedestrians. These islands are not used in traffic circles.

In giving priority to entering vehicles, a traffic circle tends to lock up at higher volumes. The operation of a traffic circle is further compromised by the high-speed environment in which large gaps are required for proper merging. These deficiencies have been corrected with the modern roundabout.

Figure 1-1 following shows the layout and design of a basic modern roundabout.

### III. The Benefits of Roundabouts

In the interest of safety, the conflict between two competing traffic movements must be resolved by a traffic control device that gives one movement priority over the other. When both movements are heavy, the priority must be alternated or distributed in some manner or else one of the movements will fail. For high volume roadways, traffic signals provide the most common traffic control discipline in the U.S. because of the positive way in which the priority is alternated. Low volume roads are normally controlled by stop signs. A growing number of studies show that in many situations, modern roundabouts are both safer and more efficient than either traffic signals or stop signs.

For the past two decades, thousands of modern roundabouts have been replacing traffic signals and stop signs all across Europe. This trend is well documented by several papers presented at the conference "Giratoires '92" (Roundabouts '92). France, for instance, has been building about 1,000 roundabouts per year. In the Netherlands, more than 400 were built between 1986 and 1992. In Norway, the number swelled from just 15 in 1980 to 500 in 1992; in Switzerland, from 19 to 220 during the same period. And, with the construction of some 50 to 100 modern roundabouts in the last five to eight years, roundabouts have finally gained a foothold in the U.S.

Modern roundabouts are now found in a number of U.S. states, including California, Nevada, Florida, South Carolina, Massachusetts, Vermont, Tennessee, Texas, Washington, Kansas, Wisconsin and Maryland. They are being used in a wide range of applications: to control speeds on residential streets; to improve capacity at congested freeway interchanges; to beautify gateway entrances to towns and shopping centers; and, most importantly, to reduce the number and severity of crashes at both major and minor intersections. In many communities, the roundabouts have been so successful that residents have quickly demanded more to fix other problem intersections.

Sources such as Public Roads Magazine, Tech Transfer from the University of California Institute of Transportation Studies, and Transportation Departments from the states of Maryland and Florida indicate that the following benefits are gained through the use of roundabouts:

1. Safety – Roundabouts have been shown to reduce fatal and injury accidents as much as 75% in Australia and 86% in Great Britain. The reduction in accidents is attributed to slower speeds and reduced number of conflict points.
2. Low Maintenance – Eliminates maintenance costs associated with traffic signals. In addition, electricity costs are reduced.
3. Reduced Delay – By yielding at the entry rather than stopping and waiting for a green light, delay is significantly reduced. A reduction in delay corresponds to a decrease in fuel consumption and air pollution.
4. Capacity – Intersections with a high volume of left turns are better handled by a roundabout than a multi-phased traffic signal.
5. Aesthetics – The central island affords an opportunity to provide landscaping, or some other forms of beautification.

The reduction in crashes occurs for several reasons:

- The number of possible conflict points between vehicles decreases from 32 at a four-way intersection, to 8 at a roundabout. (See the figures below.) By reducing the number of conflict points, roundabouts also reduce the number of collisions.
- Vehicle speeds at roundabouts are much lower, generally less than 20mph. Lower speeds mean shorter braking distances and longer decision-making time. Therefore, even if someone makes a mistake a collision is easier to avoid.

- Decision-making is simplified. A driver about to enter has one decision: “Is there a vehicle circulating in the roundabout blocking my path?” If not, the driver enters. Otherwise, the driver waits for a gap.
- If a collision does occur at a roundabout, the force of impact is much lower due to the lower speed and the low angle of impact. No one can “run the red” and cause a right angle collision. Nor can a left-turning driver make a mistake in selecting a gap in the approaching through traffic, with the resulting head-on or right angle crash.

#### **IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.**

Roundabouts perform better at intersections with roughly similar traffic flows and a high proportion of left turning traffic. This does not mean that all movements must be of the same magnitude. Rather, that the predominant movements are “broken up” by circulating traffic, so that gaps are provided to allow vehicles waiting on adjacent legs to enter the roundabout without major delays.

Engineering judgement and traffic analysis must be factored into the decision making process when roundabouts are being considered. Roundabouts are not the solution to all traffic problems at all locations. Careful study is required to identify the most appropriate control mode at any given location. The studies required to justify the installation of traffic signal control and all-way stop control are based on the warrants and requirements set forth in the Caltrans Traffic Manual. No such warrants or requirements exist for roundabouts.

Three general questions must be answered to justify a roundabout as the most appropriate form of control at any intersection.

- Will a roundabout be expected to perform better than other alternative control modes? In other words, will it reduce delay, improve safety or solve some other operational problem?
- Are there factors present to suggest that a roundabout would be a more appropriate control, even if delays with a roundabout are slightly higher?
- If any factors exist that makes installation of a roundabout inadvisable, can they be resolved satisfactorily?

If these questions may be answered favorably, then a roundabout should be considered as a logical candidate control mode.

Generally speaking, roundabouts are particularly suited in the following situations:

- Heavy delay on minor road.
- Traffic signals result in greater delay.
- Intersection with heavy left turning traffic.
- Intersection with more than four legs or unusual geometry.
- At rural intersections (including those in high-speed areas) at which there is an accident involving crossing traffic.
- Where major roads intersect at “Y” or “T” junctions.
- At locations where traffic growth is expected to be high and where future traffic patterns are uncertain or changeable.
- At intersections where U-turns are desirable.
- At Freeway Interchange Ramps.
- High accident intersection where right angle accidents are prominent.

Generally speaking, roundabouts are unsuitable in the following situations:

- Where a satisfactory geometric design cannot be provided.
- Where a signal interconnect system would provide a better level of service.
- Where it is desirable to be able to modify traffic via signal timings.
- Where peak period reversible lanes may be employed.
- Where the roundabout is close to existing signals and queuing from the signal could be a problem.
- Where there are insufficient gaps in the major flow, so that the minor flow has difficulty entering the roundabout. (Sometimes, however, this problem can be fixed by signaling one approach to a roundabout to create gaps for another leg. Usually, this signal need only be turned on during the peak hour.)
- Where traffic volumes are very high, say 6,000 vph. (Here a very large signalized intersection is necessary to separate vehicles in time. Alternatively, an overpass is probably more suitable and safer.)

## **V. Roundabout Justification**

Roundabouts have been used successfully in many cities throughout the world, including several in the U.S. They offer a proven form of traffic control that has, up to this point, not been applied extensively in Modesto. There may be several locations in the City that could benefit from the installation of a roundabout as an alternative to the more conventional intersection control methods.

This section sets forth the procedure required to justify a roundabout as the most appropriate form of control for a given situation. The procedure is intended to provide documented support for the decision to install a roundabout.

### **A. Intersection Control Alternatives**

There are three alternatives to roundabouts for intersection control. Each has significant operational limitations in comparison with a roundabout. Each alternative will be discussed separately:

**Traffic Signals** – Roundabouts can efficiently handle particular intersections with decreased delay and greater efficiency than traffic signals. This is especially true where traffic volumes entering the roundabout are roughly similar and where there are a high number of left turning vehicles.

**Two-Way Stop Control (TWSC)** can accommodate low traffic volumes with much less delay than traffic signals, but this control mode favors the major street (unstopped) movements at the expense of the minor street (stopped) movement. When the major street traffic volumes are heavy (typically 1400 vph or more) there is little or no opportunity for cross street access. This places a definite limit on the application of TWSC. Even when TWSC capacity is not exceeded, there is often public pressure to install signals at TWSC intersections.

**All-Way Stop Control (AWSC)** treats the cross street movements more favorably, without the wasted time associated with traffic signals. However, the rate at which vehicles may enter an intersection (i.e. headway) under AWSC is relatively low and, therefore, the total intersection capacity is somewhat limited.

The roundabout on the other hand, overcomes all of these disadvantages. There is no sequential assignment of right-of-way and therefore no wasted time. Left turns are not subordinated to through

traffic. Vehicles enter under yield control instead of stop control and therefore have lower headways and higher capacities. There are no electrical components to malfunction.

## **B. Roundabout Justification Categories**

To provide an organized approach to the justification process, a series of categories has been developed, each of which represents a good reason to install a roundabout. These categories are summarized in the following Table in terms of their anticipated relationships to warrants contained in the Caltrans Traffic Manual. A brief description of the justification categories is provided.

### **1. Community Enhancement**

Projects qualifying for roundabout treatment in this category should demonstrate that a roundabout is an essential part of the community's development plan for a given area, and not just an arbitrary idea. Roundabouts in this category would typically have one or more of the following characteristics:

- They are often located in commercial and civic districts. Traffic volumes would typically be low, otherwise, one of the more operationally oriented justification categories would normally be more appropriate;
- Aesthetics are an important factor in this category. Particular attention will be required with respect to choice of materials, landscaping requirements, etc.; and
- They will not generally be proposed as a solution to traffic problems. Therefore, any factors that would imply either operational or safety problems should be taken very seriously.

### **2. Traffic Calming**

Projects qualifying for roundabout treatment in this category should demonstrate that there is a need for traffic calming along the intersecting roadways. Although these roundabouts are primarily located in residential areas, there are situations where a roundabout on a higher classification road would be justified under this category. Examples of conditions that might suggest a need for traffic calming include:

- Documented observations of speeding, high traffic volumes and/or careless driving activities; or
- New construction (road opening, traffic signal, new road, etc.) which would potentially increase the volumes of "cut-through" traffic.

### **3. Safety Improvement**

Projects qualifying for roundabout treatment in this category should demonstrate that there is a safety problem at the intersection. In addition, it should be documented how the roundabout treatment will improve safety at the intersection. A special review of accident reports and the type of accidents occurring is usually necessary. Examples of safety problems include:

- High rates of crashes involving conflicts that would be readily resolved by a roundabout (right angle, head-on, left/through, U-turns, etc.);
- High crash severity that should be reduced by the slower speeds associated with roundabouts;
- Site visibility problems that reduce the effectiveness of stop sign control; and
- Inadequate separation of movements, especially on single lane approaches.

#### **4. All Way Stop Control Alternative**

Projects qualifying for roundabout treatment in this category should demonstrate that an all-way stop control (AWSC) is warranted and that delay from the roundabout treatment would compare favorably with the AWSC treatment. Traffic volumes in this category will not normally meet the Caltrans warrants for traffic signals.

#### **5. Low Volume Signal Alternative**

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This category will normally be limited to single lanes on the approaches and on the circulating roadway.

#### **6. Medium Volume Signal Alternative**

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This justification category is appropriate for two lane roundabouts, however, designs involving more than one lane should only be considered when an operational analysis indicates a significant advantage compared to a signalized intersection.

The conversion of an existing signalized intersection to a two-lane roundabout would normally be undertaken as a solution to an observed operational or safety problem caused by the signal.

#### **7. Special Conditions**

Projects qualifying for roundabout treatment in this category should demonstrate that site specific conditions make a roundabout the appropriate intersection treatment. These conditions include unusual geometrics, high traffic volumes, right-of-way limitations, 5 or more legs in the intersection, etc.

### **VI. Implementation Strategy:**

As stated earlier, roundabouts may be deployed at a variety of locations throughout the City of Modesto's transportation system. It is the policy of the City of Modesto to implement roundabouts at the following locations and in the following manner:

#### **A. At Minor Collector/Minor Collector Intersections:**

- For newly developing areas, each Minor Collector/Minor Collector intersection shall be evaluated for the installation of a roundabout, and except where there are physical constraints or significant overriding circumstances, roundabouts are proposed for installation.
- For retrofit locations, Section IX of this policy governs.

**B. At Intersections that are classified Minor Arterial/Collector; Minor Arterial/Minor Arterial or Principal Arterial/Minor Arterial, the following shall apply:**

**Before Installation:**

A roundabout at intersections with a classification higher than Collector/Collector cannot be justified as the most appropriate form of control without a sense of how it will perform at a specific intersection and how that performance will compare to other intersection control alternatives.

In the City of Modesto, the implementation of roundabouts at intersections classified Minor Arterial/Collector and above will be accomplished using the following approach:

- Step 1. Identify the target location.
- Step 2. Perform computerized capacity analysis of proposed roundabout installation. If favorable, then
- Step 3. Recommend, design and install the roundabout.

A capacity analysis of each proposed roundabout installation shall be conducted to demonstrate its ability to handle anticipated traffic volumes for the subject intersection using a 20-year design period. The capacity analysis shall be accomplished using traffic projections from the most up to date traffic model the City possesses and by using the most up to date simulation software available to simulate roundabout operation as determined by the City's Traffic Engineer. The capacity of the roundabout must be equal to or better than that provided by the appropriately warranted traditional traffic control devices for the same traffic design volumes being analyzed.

**After Installation:**

The analytical models described above can only estimate the performance of a roundabout. Actual performance can only be obtained through field observation. However, given that the roundabouts are designed and simulated based on a 20-year design period, the roundabouts should perform very well when first opened, and for a good number of years thereafter. Nonetheless, initial field observations of the roundabout operation at its inception is prudent. Observations will be made to verify that the roundabout operates as intended and the travelling public negotiates the roundabout in an appropriate manner. All of the following questions should produce negative answers:

- Do drivers stop unnecessarily at the yield point?
- Do drivers stop unnecessarily within the circulating roadway?
- Do any vehicles pass on the wrong side of the central island?
- Do queues from an external bottleneck back up in the roundabout on an exit road?
- Do the actual number of entry lanes differ from those intended by the design?
- Do smaller vehicles encroach on the truck apron?
- Is there evidence of damage to any of the signs in the roundabout?
- Is there any pedestrian activity on the central island?
- Do pedestrians and cyclists fail to use the roundabout as intended?
- Are there tire marks on any of the curb surfaces to indicate vehicle contact?
- Is there any evidence of minor accidents, such as broken glass, pieces of trim, etc., on the approaches or the circulating roadway?
- Is there any gravel or other debris collected in non-traveled areas that could be a hazard to bicycles or motorcycles?

These questions should all be examined in the days immediately after the roundabout opening. Both daytime and nighttime observations of the operating characteristics should be made. Follow-up strategies to ensure satisfactory operation may be implemented as necessary after initial observation. Periodic checks should also be made to ensure that no serious sight distance obstructions have occurred due to growth of foliage or roadside development. The City's Traffic Engineering Staff will continue to monitor traffic volumes, accidents and operations at intersections with roundabouts, just as they do at intersections where other alternative traffic control devices are in place.

## **VII. Design Criteria**

*As per Federal Highway Administration publication "ROUNDABOUTS: AN INFORMATIONAL GUIDE" and Caltrans Design Bulletin 80, both design guidelines and subsequent revisions shall be considered. Final approval will be by the City Traffic Engineer.*

The final approval will be based on whether the proposal conforms with the general concepts contained in this policy. The purpose of this document is to provide a basis for evaluating roundabout proposals, and it is not intended to contain the comprehensive information needed to complete a design. Proposed roundabouts being designed by City engineering staff and by those other than City staff should be discussed with the City's Traffic Engineer throughout the conceptual and design stages of the project.

## **VIII. Roundabout Installation in Newly Developing Areas**

Section V of this policy describes in general terms when a roundabout installation may be appropriate for a given situation. It is recognized that roundabout installation is applicable in a variety of geometric configurations, and as such, the design can vary greatly, depending on the situation. As such, it is incumbent upon the designer to work closely with the City's Traffic Engineer on the detailed design of a roundabout.

Roundabout installation, whether contemplated by the development community or by City staff, shall be coordinated with the City's Traffic Engineer. The City's Traffic Engineer shall give approval to the roundabout concept being proposed for a given intersection. Once approval is given, the design of the roundabout shall be in accordance with design standards set forth in the City's Standard Specifications or as directed by the City's Traffic Engineer to accommodate non-standard situations.

In newly developing areas, the developer shall be responsible to install roundabouts at Collector/Collector intersections. Roundabouts installed at higher classified intersections will be the responsibility of the developer as conditions of approval may warrant. In some cases, the City of Modesto may be responsible for installation via proceeds from a Community Facilities District.

## **IX. Roundabout Installation at Retrofit Locations**

There will be occasions when existing intersections in the City are scheduled to have new stop signs or traffic signals added to them, due to the need to assign right of way for increased safety purposes. Similarly, existing controlled intersections may be destined for an upgrade in controls (i.e., from a 2-way stop to a 4-way stop, or from a 4-way stop to a traffic signal). Thirdly, there may be occasions where an existing controlled intersection may warrant replacement with a roundabout (i.e., replace a 4-way stop with a roundabout). Lastly, an existing intersection may be destined for a roundabout for either traffic calming or beautification purposes.

In such cases as these, the installation of roundabouts may be considered as an alternative to the traditional forms of traffic control. These are considered “retrofit” situations and special consideration of roundabout installation is required.

If a roundabout is proposed in a retrofit situation, the design and installation must be such that all modes of vehicles using that particular intersection are accommodated, and the “modern roundabout” concept and operational characteristics are preserved. Generally speaking, roundabouts in retrofit situations would not be applicable to anything less than a minor collector/minor collector intersection (i.e., 60’ of right of way on each leg of the intersection). Even then, additional right of way may be required to gain proper deflection angles and tapers on all approaches. Each retrofit situation shall be analyzed on a case-by-case basis, and the final design of any proposed roundabouts at a retrofit location shall be approved by the Engineering and Transportation Director.

In the event a “retrofit” development adds a roundabout to an intersection in a previously-approved specific plan area that did not include such a roundabout, then that specific plan shall be amended in the usual and customary manner in accordance with state law and the applicable provision of the Modesto Municipal Code.

If it is decided that a roundabout will be deployed in a retrofit situation, and right of way is needed to install a properly designed roundabout, the City shall be responsible to acquire the right of way. If the situation is such that development has not occurred on one or more corners of the target intersection, then the property owner or developer of those non-developed parcels is responsible to dedicate the necessary right of way for proper installation of the roundabout.

In retrofit situations for a roundabout, notification will be 1,000 ft. All properties within 1,000 ft will be notified of the roundabout proposal.

## **X. Operation and Maintenance**

Roundabouts generally will become an asset of the City once public improvements are accepted as complete by the City Council. Exceptions would be those roundabouts that are constructed within a private gated community, or on any other non-public thoroughfare. The City of Modesto will assume responsibility for operation and maintenance of those roundabouts that are within the public right of way. Maintenance of landscaping associated with a City-owned roundabout may be the City’s responsibility, or may be included in a Capital Facilities District, and therefore, the CFD’s responsibility.

## **XI. Appeal of Staff Decision**

Any staff decision made pursuant to this policy may be appealed to the City Council pursuant to Section 1-4.01 through 1-4.05 of the Modesto Municipal Code.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-452**

**A RESOLUTION APPROVING THE RECOMMENDATION OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) TO PROVIDE A \$640,000 LOAN TO HABITAT FOR HUMANITY, STANISLAUS, TO PURCHASE A 1.85-ACRE PARCEL FOR THE DEVELOPMENT OF THE HOPE VILLAGE PROJECT, A 20-UNIT AFFORDABLE HOUSING PROJECT FOR LOW-INCOME FAMILIES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LOAN AGREEMENT.**

WHEREAS, on March 1, 2004, Anita Hellam, Executive Director for Habitat for Humanity, Stanislaus (Habitat), contacted the City of Modesto, Parks, Recreation and Neighborhoods Department (PR&N) regarding a 1.85-acre parcel of property that the Habitat "Site Selection Committee" had recently found for sale, and

WHEREAS, Habitat was interested in pursuing the property due to the parcel's appropriate zoning and ideal location, a parcel zoned R-3, Medium High Density Residential, in a low-income census tract, at the end of Houser Lane in Southwest Modesto, north of Paradise Road, and

WHEREAS, after several negotiations between Habitat for Humanity and the property owner, both parties agreed on a selling price of \$650,000 for this parcel, and

WHEREAS, Habitat for Humanity was required to pay \$10,000 deposit, and escrow is currently scheduled to close on September 10, 2004, pending approval of the \$640,000 loan, and

WHEREAS, the City of Modesto received an appraisal of this parcel on March 31, 2004, prepared by Cogdill & Giomi Real Estate Appraisers and Consultants; the 1.85-acre rectangular shaped site, void of any structural improvements, was appraised "as is" at a market value of \$650,000; the parcel has been mapped to a subdivision of ten residential lots, averaging around 6,450 square feet in size; and the price per paper lot is \$65,000, and

WHEREAS, according to the property appraisal, the property under discussion, owned by the Petersen family, has existed as a partially improved multi-family rental, with excess land, for several years; recently the Petersens decided to map a large portion of the property to the ten proposed lots, then, deciding against actual development and construction of duplex properties, the Petersens opted to sell the proposed lot portion of their property to Michael Beckwith, a local developer/builder, and

WHEREAS, in February of this year, escrow opened with Northern American Title to facilitate the sale from the Petersens to Michael Beckwith; the appraisal states the purchase price established by the sellers at \$35,000 per potential lot, and

WHEREAS, after Michael Beckwith deposited substantial non-refundable money to secure the property, a deal was agreed on between Michael Beckwith and Habitat for Humanity; the property was never listed for sale, but a local broker, Fred Miller with Lapata Realty brought the two parties together, and after negotiation, structured a contract based on \$65,000 per paper lot, and

WHEREAS, on April 6, 2004, by Resolution 2004-194, the City Council approved the allocation of \$10,000 of Community Housing Development Organization (CHDO) set-aside funds from the HOME Investment Partnership Program to Habitat for Humanity, for the deposit required for the purchase of this property; also, on this date, Habitat for Humanity submitted a timeline for the land acquisition, predevelopment activities and construction of the proposed twenty (20) affordable housing units, and

WHEREAS, a review sub-committee, consisting of three members of the CH&CDC, met on Friday, May 7, and Monday, May 10, 2004, to review the request from Habitat for Humanity, the appraisal and project timeline; the sub-committee agreed that this is a good opportunity to provide affordable housing; the sub-committee also

recommended that the City request a development proforma from Habitat for Humanity, which has been submitted, and

WHEREAS, on May 14, 2004, the CH&CDC supported the general recommendation that the City Council approve a \$640,000 loan to Habitat for Humanity, Stanislaus, to purchase a 1.85-acre parcel for the development of 20 affordable housing units; however, the specific agreement terms were not decided at this point, so the staff brought this item to the CH&CDC meeting on June 28, 2004, and

WHEREAS, since the first contact with Habitat for Humanity, staff has been meeting with the City Attorney's Office as well as the representatives of Habitat for Humanity to discuss options for the acquisition of the property, the terms of a potential loan, and the relocation of the residents that are occupying the two existing structures, and

WHEREAS, staff has also obtained an estimated cost of the infrastructure needed for this piece of property; the cost to add the infrastructure is approximately \$620,000; this estimate does not include PG&E, MID, SBC, Cable TV, engineering, mapping, sewer connection or water connection charges or service fees; Habitat for Humanity will be responsible for raising the necessary funds to add the infrastructure, and

WHEREAS, on June 28, 2004, the CH&CDC discussed this issue extensively, primarily due to two "risk issues" identified by staff:

- Habitat for Humanity has minimum experience developing a project of this magnitude; this project will not only include the construction of 20 houses, but will also involve the planning and development of the corresponding infrastructure; this is a new undertaking for the local Habitat organization,
- the funding needed to complete this project has not been secured nor have all the potential sources been identified yet,

and

WHEREAS, The CH&CDC ultimately recommended an initial loan to Habitat for \$640,000 with a two-year agreement with the following items:

1. Habitat will raise funds of \$325,000 to match a portion of the City's contribution of \$650,000 within one year of the date of the signed loan agreement. Habitat will raise an additional \$300,000 within two years of the signed loan agreement. The funds may come from diverse sources such as donations, grants, loans or other sources. The funds shall be set aside or designated to the Hope Village Project. The funds can be in hand or guaranteed by written commitment or authorization. A total of \$625,000 will be raised by Habitat within two years of the signed loan agreement between Habitat and the City of Modesto.
2. Habitat will submit a complete application for the 20-parcel lot split to the City of Modesto Planning Division within two years of the signed loan agreement between Habitat and the City of Modesto. Habitat received a letter from the City of Modesto Planning Division stating that the feasibility for placing 20 homes on the 1.85-acre lot looks promising.
3. If the previous conditions are not met, Habitat will refund \$640,000 to the City.

and

WHEREAS, if all conditions listed above are met and Habitat raises funds in the amount of \$625,000 within two years, then the City of Modesto will re-issue a loan agreement with a 30-year amortization period, deferred for 5 years for 16 low-income units, and a 30-year deferral for 4 very low-income units, with the following affordability clauses and loan conditions:

**Low-Income Households:**

- A. 16 units will be allocated for low-income families (60% of the Area Median Income or below).
- B. 30-year amortized loan, zero percent (0%) interest, and deferred for five years from the day the money is transferred to Habitat for Humanity. Until the properties are built and "sold" to low-income households, Habitat will hold the title and will be responsible for any payments or relocation issues on the property.
- C. The repayment of debt will be transferred from Habitat at a rate of 1/20 for each property (\$32,500) when it is sold to individual households. Title for each unit will be transferred to the new owner and secured by a Note.

**Very Low-Income Households:**

- D. In addition, twenty (20%) percent of the units, or four (4) units, will be assigned to very-low income families, including homeless families, or households that are under 35% of the Area Median Income or below. Both parties agreed to the following terms for four (4) of the twenty units:
- 1) Defer payments on these units for thirty (30) years, or
  - 2) Require that the total amount owed to the City become due and payable at the time of sale or transfer of ownership from the first household, refinancing of the property or upon change of use of the property, if the first household owner moves out and/or rents the unit.

**Timeline for construction:**

- E. Habitat will complete one fourth of the units (5 units) by January 2008.
- F. Habitat will complete one half of the units (10 units) by January 2009.
- G. Habitat will complete three fourths of the units (15 units) by January 2010.
- H. Habitat will complete all 20 proposed units by January 2011.

and

WHEREAS, although staff believes that this transaction is risky, the high demand of affordable housing requires immediate action; the City of Modesto and Habitat have worked together to provide performance triggers that will help protect the City's investment as well as ensuring a positive project completion,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate \$640,000 for a loan to Habitat for Humanity, Stanislaus, to purchase a 1.85-acre parcel for the development of the Hope Village Project, a 20-unit affordable housing project for low-income families.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary loan agreement and documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of September, 2004, by Mayor Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-453**

**RESOLUTION APPROVING A LOAN AGREEMENT FOR A NO-INTEREST \$400,000 LOAN BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNCIL OF GOVERNMENTS FOR THE STATE ROUTE 132 WIDENING PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, Stanislaus Council of Governments (StanCOG) is the Regional Transportation Planning Agency (RTPA) for Stanislaus County pursuant to Section 29532(b) of the California Government Code and, as such, is responsible for State transportation planning and programming for Stanislaus County, and

WHEREAS, under California Government Code Section 14529.7, StanCOG may enter into an agreement with the California Transportation Commission (CTC) to use local funds to implement a State Transportation Implementation Program (STIP) project at an earlier date than it has been programmed by the State and to receive a later reimbursement from STIP funds, and

WHEREAS, StanCOG proposes to widen State Route 132 (SR 132) to a uniform four lanes from Frazine Road and Codoni Road in the east to Riverside drive in the west including:

- A median divider designed and equipped for future landscaping;
- Intersection and pedestrian safety improvements;
- Sidewalk installation on the north side of road;
- Storm drainage improvements; and
- A continuous bicycle lane; and

WHEREAS, the completion of this project will significantly improve overall traffic flow in the State Route 132/Beard Industrial Tract Area, facilitate up to 15,000 daily truck trips, stimulate jobs and economic development, and ease congestion on adjacent roadways, and

WHEREAS, insufficient STIP funds are available to implement the project on schedule resulting in a potential delay of the project, and

WHEREAS, StanCOG has requested that the City of Modesto, the Economic Development Bank, the State Infrastructure Bank, the private sector, and the StanCOG Regional Surface Transportation Program to loan or grant funds to implement the project on schedule under the provisions of Government Code Section 14529.7 according to the following formula:

Federal Regional Funds Grant (RSTP)	\$ 140,000
Federal Regional Funds Loan (RSTP)	\$ 75,000
Stanislaus County Economic Development Bank Loan	\$ 420,000
City of Modesto Loan	\$ 400,000
State Infrastructure Bank Loan	\$ 520,000
Private Sector Grants	\$ 25,000
<hr/> TOTAL	<hr/> \$ 1,580,000

and

WHEREAS, the Council has identified this project as an important transportation project within the City's General Plan Sphere of Influence, and

WHEREAS, initially, it appeared that by entering into this loan agreement there was no risk to the City but after legal review a potential risk was identified, and

WHEREAS, it was believed that once StanCOG entered into an AB 3090 agreement with the California Transportation Commission (CTC) State law required that these funds be paid back on the agreed upon date, and

WHEREAS, in reality, these funds are subject to annual legislative appropriation, and the potential exists that the legislature will not appropriate STIP funds permitting StanCOG to reimburse the City pursuant to the provisions of Section 14529.7, and

WHEREAS, despite this risk, staff feels that the benefits of providing this loan to StanCOG outweigh the potential risk of late or nonpayment, and

WHEREAS, staff recommends that the City Council approve, and the City Manager execute, a loan agreement that provides StanCOG \$400,000 as a no-interest loan to be repaid on or before July 1, 2007, and

WHEREAS, StanCOG agrees to repay the \$400,000 loan on or before July 1, 2007, using State funds with only those limitations consistent with Public Utility Code Section 99402, and

WHEREAS, no interest will be charged to StanCOG if the loan is repaid on or before July 1, 2007, and

WHEREAS, in the unlikely circumstance that StanCOG does not repay the loan on or before July 1, 2007, the loan will convert to a 4% APR, compounded interest-bearing loan beginning July 1, 2007, and

WHEREAS, all reimbursements to the City or to other parties of the SR132 Loan Package made by StanCOG or any project overrun costs incurred by StanCOG will not decrease the City's state or federal apportionment from any funding source that it would otherwise received in any year, and

WHEREAS, the following requirements as defined in the City Manager's Letter of Intent dated December 8, 2003, have been meet as follows:

1. StanCOG has executed agreements with all parties of the funding package.
2. The CTC has approved the required STIP amendment for reimbursement of the loan,
3. StanCOG and Caltrans have executed the required Government Code Section 14529.7 reimbursement agreement for this project,

4. StanCOG board has approved the City's supplemental Local Transportation Fund claim for FY 2003 and the City has received payment of this claim, and

WHEREAS, StanCOG has agreed to provide the City a complete set of executed loan and grant agreements before the September 7, 2004, Council Meeting,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves a loan agreement for a no-interest \$400,000 loan between the City of Modesto and the Stanislaus Council of Governments for the State Route 132 Widening Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council members: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Council members: None

ABSENT: Council members: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 454**

**A RESOLUTION AMENDING THE BUDGET TO APPROPRIATE \$400,000 INTO ACCOUNT 0510-430-4382-0497 TO ENABLE THE CITY OF MODESTO TO EXECUTE A \$400,000 NO-INTEREST LOAN WITH THE STANISLAUS COUNCIL OF GOVERNMENTS FOR THE STATE ROUTE 132 WIDENING PROJECT**

WHEREAS, Stanislaus Council of Governments (StanCOG) is the Regional Transportation Planning Agency (RTPA) for Stanislaus County pursuant to Section 29532(b) of the California Government Code and, as such, is responsible for State transportation planning and programming for Stanislaus County, and

WHEREAS, under California Government Code Section 14529.7, StanCOG may enter into an agreement with the California Transportation Commission (CTC) to use local funds to implement a State Transportation Implementation Program (STIP) project at an earlier date than it has been programmed by the State and to receive a later reimbursement from STIP funds, and

WHEREAS, StanCOG proposes to widen State Route 132 (SR 132) to a uniform four lanes from Frazine Road and Codoni Road in the east to Riverside drive in the west, and

WHEREAS, the City desires to provide a \$400,000, no-interest loan to StanCOG to help fund said project,

NOW, THEREFORE, BE IT RESOLVED by the City Council that it hereby approves amending the FY 04-05 budget to appropriate \$400,000 in account number 0510-430-4382-0497 in order to execute said loan with the Stanislaus Council of Governments in the amount of \$400,000 for the State Route 132 Widening Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council members: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Council members: None

ABSENT: Council members: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 455**

**WAS NOT USED**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-456**

**A RESOLUTION APPROVING AN AGREEMENT FOR \$981,750.00 BETWEEN THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND HASHEM NARAGHI, TRUSTEE OF THE NORA NARAGHI SEPARATE PROPERTY TRUST FOR RIGHT OF WAY ACQUISITION OF PROPERTY FOR CONSTRUCTION OF FLOYD AVE. AND AUTHORIZING THE DISTRICT ADMINISTRATOR TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS, AND AUTHORIZE THE CITY ENGINEER TO ACCEPT THE DEDICATIONS OF RIGHT-OF-WAY AS GRANTEE ON BEHALF OF THE CITY OF MODESTO**

WHEREAS, the Floyd Ave. road widening project is listed as a priority 1 facility on the Village One Facilities Prioritization List included in the Village One Facilities Master Plan, and

WHEREAS, this segment of Floyd between Oakdale Rd. and Roselle Ave. is currently being designed to accommodate a four lane road as described in the Village One Facilities Master Plan, and

WHEREAS, additional right-of-way must be acquired on the north side of Floyd Ave. to construct the proposed Floyd Ave. road widening project, and

WHEREAS, additional right-of-way must be acquired on Roselle Ave. and Oakdale Rd. to construct the proposed Floyd Ave. at Oakdale Rd. intersection and the Floyd Ave. at Roselle Ave. intersection, and

WHEREAS, The City of Modesto desires to acquire 5.775 acres of property for right-of-way from Hashem Naraghi, trustee of the Nora Naraghi separate property trust,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Agreement for the amount of \$981,750.00 between the City of Modesto Community Facilities District No. 2004-1 and Hashem Naraghi, trustee of the Nora

Naraghi Separate Property Trust, for right of way acquisition of property for construction of Floyd Ave. is hereby approved.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the Agreement and all related property documents as Grantee on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Engineer, or his designee, is hereby authorized to accept the dedication of right-of-way as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael Milich  
MICHAEL MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-457**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS  
CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE  
ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY  
THE SUPPLEMENTAL EIR: ACQUISITION OF RIGHT OF WAY FOR THE  
WIDENING OF FLOYD AVENUE**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report (“EIR”) (State Clearinghouse No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, on May 24, 1994, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One which amended and supplemented the 1990 Village One Program EIR, and

WHEREAS, the City is proposing to acquire right-of-way on the north side of Floyd Avenue for the purpose of widening Floyd Avenue in accordance with the adopted Village One Specific Plan and Village One Facilities Master Plan (“Project”), and,

WHEREAS, City staff prepared a Written Checklist, Environmental Assessment No. CM 2004-1, which concluded that the proposed Project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, on September 14, 2004, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, said matter was considered by the City Council at a duly noticed public hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CM 2004-1 entitled “City of Modesto Written Checklist – Acquisition of Right of Way for the

Widening of Floyd Avenue”, for the proposed Project, and the Council hereby makes the following findings:

- A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
- B. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required.
- C. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required.
- D. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
  - b. significant effects which were previously examined will be substantially more severe than previously shown; or,
  - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
  - d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.
- E. There are no specific features which are unique to the proposed Project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this Project. All feasible mitigation measures set forth in the

Program EIR which are appropriate to the Project shall be incorporated into the Project.

- F. The Written Checklist, Environmental Assessment No. EA/CM 2004-1, provides the substantial evidence to support findings A through E, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

A copy of said Environmental Assessment No. EA/CM 2004-1, entitled "City of Modesto Written Checklist – Acquisition of Right of Way for the Widening of Floyd Avenue", is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**Determination: Finding that the Floyd Avenue ,  
Roselle Avenue and Oakdale Road Right of Way  
Acquisition Project is within the Scope of the  
Village One Specific Plan Program Environmental  
Impact Report**

*Prepared for:*

City of Modesto  
P.O. Box 642  
Modesto, CA 95353  
Contact: Victoria Dion  
209/577-5211

*Prepared by:*

Vickey Dion, Senior Civil Engineer  
City of Modesto  
Office of the City Manager  
209/577-5211

September 2004

## WRITTEN CHECKLIST

EA/C&ED No. 2004-

### I. PURPOSE

This written checklist, pursuant to CEQA Guidelines Section 15168 (C) (4), serves to make a determination where subsequent activities of a Program EIR involve site-specific operations, based on evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR. Based on a review of the project and Section 15162(a), this determination would permit the lead agency (City of Modesto) to approve the activity as being within the scope of the project covered by the Program EIR. This determination includes whether any new environmental document is required beyond the adopted Village One Specific Plan Program EIR (SCH# 90020181) for the proposed Floyd Avenue , Roselle Avenue and Oakdale Road Right of Way acquisition project.

The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

### II. PROJECT INFORMATION


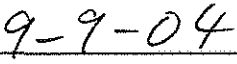
1. **Project Title:** Floyd Avenue , Roselle Avenue and Oakdale Road Right of Way acquisition.
  
2. **Lead Agency Name and Address:** City of Modesto  
1010 Tenth Street  
Modesto, Ca 95353
  
3. **Contact Person and Phone Number:** Victoria Dion  
209/577-5211

- 4. Project Location:** Village One Specific Plan Area  
Modesto, California  
APNs: 077-008 parcels 30-36.
- 5. Project Sponsor's Name and Address:** City of Modesto  
CFD 2004-1  
P.O. Box 642  
Modesto, CA 95353
- 6. General Plan Designation:** The General Plan land use designations include Village Residential (VR) which allows predominantly single-family residential uses; Multi-Family Residential; Senior Housing; School/Park/Basin site; Commercial; and Business Park (BP) which allows light industrial manufacturing, office, associated service retail (and, in Village One, regional commercial) uses.
- 7. Zoning:** Village Residential and multi family residential
- 8. Description of Project:** Pursuant to the adopted Village One Specific Plan, the City of Modesto is acquiring right of way for the improvements of Roselle and Floyd Avenues and Oakdale Road.
- 9. Surrounding Land Uses and Setting:** The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded by rural, agricultural, and open space land uses to the North, South and East, and by residential uses to the West.
- 10. Other Public Agencies whose Approval Is Required:** None.

### **III. DETERMINATION:**

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15162 the following is true for the proposed project:

- (1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and
- (2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and
- (3) No new information of substantial importance that was not known has become available that shows:
  - a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,
  - b. identified significant effects will be more severe,
  - c. previously infeasible mitigation measures are now feasible,
  - d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.
- (4) Because no new significant effects have been identified and no new mitigation is required for the project, the environmental effects of the operation of the proposed project were covered by the Village One Program EIR as updated by the 1994 Supplement. Therefore, pursuant to CEQA Section 15168 (C) (4) no new environmental document is required.
- (5) Therefore, the Floyd Avenue , Roselle Avenue and Oakdale Road Right of Way acquisition.. project is within the scope of the Village One Program EIR.

   
\_\_\_\_\_  
Project Manager Date

**IV. PROJECT EVALUATION:**

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>I. AESTHETICS.</b>	Would the project:				
a.	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**II. AGRICULTURAL RESOURCES.** In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**III. AIR QUALITY.** When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Conflict with or obstruct implementation of the applicable air quality plan?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. | Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Expose sensitive receptors to substantial pollutant concentrations?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Create objectionable odors affecting a substantial number of people?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b>	Would the project:				
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Conflict with the provisions of an adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

**Responses to Checklist Questions**

a.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Responses to Checklist Questions**

a.-d. Impacts on cultural resources resulting from the Right-of-Way Acquisition (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area.

Potentially Significant Impact    Less than Significant with Mitigation Incorporated    Less-than-Significant Impact    No Impact

**VI. GEOLOGY AND SOILS.** Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - 2. Strong seismic groundshaking?
  - 3. Seismic-related ground failure, including liquefaction?
  - 4. Landslides?
- b. Result in substantial soil erosion or the loss of topsoil?
- c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement.

**Responses to Checklist Questions**

Potentially Significant Impact    Less than Significant with Mitigation Incorporated    Less-than-Significant Impact    No Impact

**VII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b>					
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**IX. LAND USE AND PLANNING.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Conflict with any applicable habitat conservation plan or natural community conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

**Responses to Checklist Questions**

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**X. MINERAL RESOURCES.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Responses to Checklist Questions

- a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project:					
a.	Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XII. POPULATION AND HOUSING.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XIII. PUBLIC SERVICES.** Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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	Impact	with Mitigation Incorporated	Impact	
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Significant Impact
<b>XIV. RECREATION.</b> Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XV. TRANSPORTATION/TRAFFIC.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. | Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XVI. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. | Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

**Responses to Checklist Questions**

- a. As described above, the proposed Floyd Avenue , Roselle Avenue and Oakdale Road Right of Way acquisition would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.
- b. As described above, the proposed Floyd Avenue , Roselle Avenue and Oakdale Road Right of Way acquisition would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

- c. As described above, the proposed Floyd Avenue , Roselle Avenue and Oakdale Road Right of Way acquisition would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

**V. MITIGATION APPLIED TO PROJECT**

Not applicable.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-458**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN (ANNEXATION No. 4)**

WHEREAS, pursuant to Chapter 3.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Chapter 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory; and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (“the District”); and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District; and

WHEREAS, the territory to be annexed is within the City limits;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County

Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85; the map entitled “Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (Village One #2)”, on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86 (as amended by the map entitled “Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2)”, on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 90); the map entitled “Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 91; and the map entitled “Annexation Map No. 3 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 96.”

SECTION 3. The territory proposed to be annexed to the District (the “Territory”) is described in Exhibit A.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of

Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SECTION 6. The special taxes to be levied in the District are also set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, October 26, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

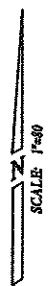
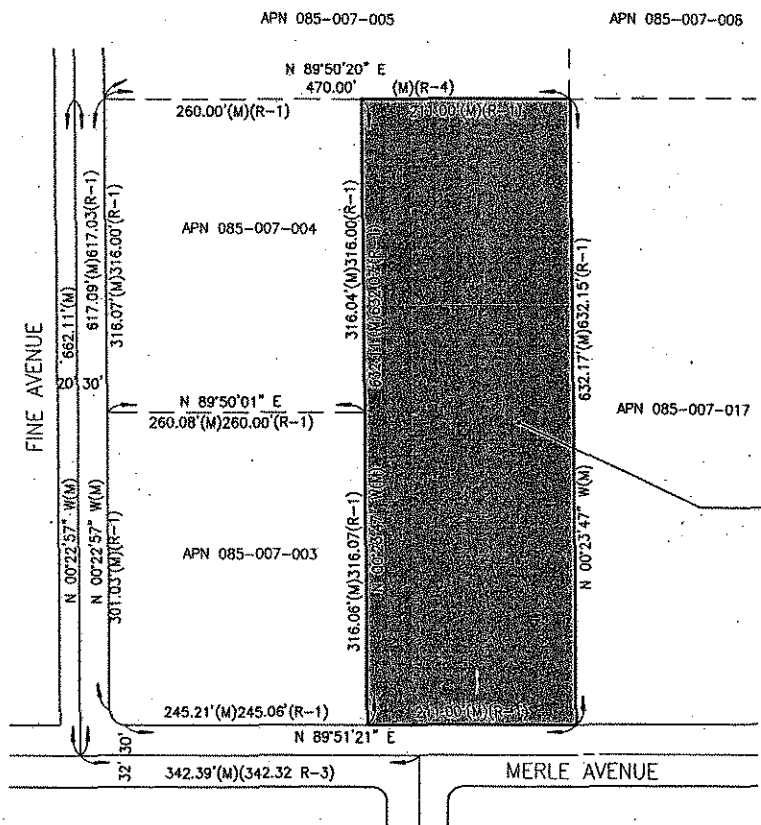
APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

EXHIBIT A

ANNEXATION NO. 4 TO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



LEGEND: AREA TO BE ANNEXED



SYLVAN AVENUE

OAKDALE ROAD

LANDS OF BROWER  
A.P.N. 077-033-001  
LOT 1 OF 25-M-82

LANDS OF SMITH  
A.P.N. 077-033-002  
LOT 2 OF 25-M-82  
1.12 AC.

BEING ALL OF LOT 2 AS SHOWN ON  
THAT CERTAIN MAP FILED FOR RECORD  
IN BOOK 26 OF MAPS, AT PAGE 62,  
STANISLAUS COUNTY RECORDS, LYING  
IN SECTION 11, T.3S., R.9E., M.D.M.,  
CITY OF MODESTO, STANISLAUS  
COUNTY, CALIFORNIA

50'

N00°43'07" W  
138.00'

50'

N89°16'59"E

359.02'

N89°16'59"E

349.96'

LANDS OF FOX  
A.P.N. 077-033-003  
LOT 3 OF 25-M-82

LANDS OF ODISTA  
A.P.N. 077-033-004

N03°02'20"E  
138.30'

LANDS OF U.S. POSTAL SERVICE  
A.P.N. 077-033-008  
PARCEL 1 OF 40-PM-38

SCALE 1"=50'

POST OFFICE DRIVE

LEGEND:  AREA TO BE ANNEXED

ANNEXATION MAP NO. 4 OF COMMUNITY  
FACILITIES DISTRICT NO. 2004-1 (VILLAGE  
ONE #2), CITY OF MODESTO, COUNTY OF  
STANISLAUS, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

JEAN ZAHR, CITY CLERK

BY: \_\_\_\_\_  
PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING THE PROPOSED BOUNDARIES OF  
ANNEXATION NO. 3 TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO.  
2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF  
CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT  
A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_  
2004, BY ITS RESOLUTION NO. \_\_\_\_\_

JEAN ZAHR, CITY CLERK

BY: \_\_\_\_\_  
PRINT NAME

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO,  
COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THE BOUNDARY MAP FOR WHICH  
WAS RECORDED ON MARCH 16, 2004, IN BOOK 3 OF MAPS OF ASSESSMENT AND  
COMMUNITY FACILITIES DISTRICTS, AT PAGE 65, IN OFFICE OF THE COUNTY  
RECORDER, OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA. A MAP  
RELATED TO ANNEXATION NO. 1 TO THE DISTRICT WAS RECORDED ON MARCH 25,  
2004, IN BOOK 3 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES  
DISTRICTS, AT PAGE 66, IN THAT OFFICE. A MAP RELATED TO ANNEXATION NO. 2  
TO THE DISTRICT WAS RECORDED ON MAY 21, 2004, IN BOOK 3 OF MAPS OF  
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 61, IN THAT  
OFFICE. A MAP RELATED TO ANNEXATION NO. 3 TO THE DISTRICT WAS RECORDED  
ON AUGUST 11, 2004, IN BOOK 3 OF MAPS OF ASSESSMENT AND COMMUNITY  
FACILITIES DISTRICTS, AT PAGE 66, IN THAT OFFICE.

JEAN ZAHR, CITY CLERK

BY: \_\_\_\_\_  
PRINT NAME

FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004, AT THE HOUR OF \_\_\_\_\_  
O'CLOCK \_\_\_\_ M IN BOOK \_\_\_\_ OF MAPS OF ASSESSMENT  
AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) \_\_\_\_\_ IN THE OFFICE OF  
THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDGREN, COUNTY RECORDER OF THE  
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
PRINT NAME



**CK Giuliani & Kull, Inc.**  
Engineers • Planners • Surveyors  
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
(209) 847-8726 Fax (209) 847-7323  
Auburn • Oakdale • San Jose

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 459**

**WAS NOT USED**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 460**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR ONE (1) WINDROW  
TURNER FOR A TOTAL ESTIMATED COST OF \$260,000.00**

WHEREAS, the Public Works Department-Water Quality Control (WQC)  
Division has requested the purchase of one (1) windrow turner, and

WHEREAS, a windrow turner is an important piece of equipment used to produce  
compost, and

WHEREAS, the materials to be composted is placed into windrows and the  
windrow turner passes over each windrow and mixes the composting material, and

WHEREAS, this helps stimulate the microorganisms in the material, which break  
down coarse organic matter into compost, and

WHEREAS, it is important that the windrows are turned frequently and  
efficiently in order to help the material mature into a high quality composting product,  
and is part of our permitted composting process, and

WHEREAS, staff currently operates a Scarab Manufacturing windrow turner at  
its composting site on Jennings Road which has become very costly to operate, and

WHEREAS, the windrow turner was purchased in 1996 and has been used  
heavily from that point forward, and

WHEREAS, at this time the turner is worn down and in need of constant repairs,  
and

WHEREAS, since 2002, over \$180,000 has been expended for needed repairs just  
to keep the machine running, and

WHEREAS, recently staff was forced to spend \$40,000 when the tracks became so dilapidated that the windrow turner could not be operated, and

WHEREAS, other major components have failed and others could fail at any time, and

WHEREAS, since this piece of equipment is a key component to the success of the composting operations, it is imperative that staff have access to a reliable windrow turner, and

WHEREAS, in addition to being very expensive, the breakdowns also impact staff productivity and efficiency, and

WHEREAS, on many occasions staff has been forced to cease producing compost to make the necessary repairs to the Scarab windrow turner, and

WHEREAS, this is inefficient use of time and adds greatly to the compost production costs, and

WHEREAS, the existing Scarab windrow turner will be sold by seal bid, with a minimum seal bid price, and

WHEREAS, windrow turner technology has changed greatly over the last eight (8) years, with the development of a trans-fluid-coupler system windrow turner, and

WHEREAS, there are two types of windrow turners available today, the hydraulic drive system and the trans-fluid-coupler system, and

WHEREAS, the trans-fluid-coupler system technology has an efficiency rating of 98% as compared to 89% for the hydraulic drive system windrow turner, and

WHEREAS, the hydraulic drive system has valves, hoses, fittings, filters and gauges, which can decrease the hydraulic system efficiency by more than 10%, and

WHEREAS, the trans-fluid-coupler system has no fitting or complicated drums and motors to replace, which means less maintenance, and

WHEREAS, the trans-fluid-coupler system can be engaged or disengaged at high idle without damage, where the hydraulic drive system has to be engaged at low idle only, and

WHEREAS, if the trans-fluid-coupler quits for some reason while turning the windrow, the fluid coupler will automatically disengage, where the hydraulic drum system windrow turner would stay connected until the engine stalled from overload, and

WHEREAS, shock absorption is very critical to the life span of a windrow turner, and

WHEREAS, the trans-fluid-coupler windrow turner will absorb shock from rocks or other debris in the windrow without damage to the drive system, and

WHEREAS, the belt will also take a beating without slipping and allow the fluid coupler to do its job and take the load, where the hydraulic drive system has very little shock absorption, and

WHEREAS, a windrow turner must operate in a very dusty and dirty environment, and

WHEREAS, the hydraulic system is prone to contamination from dust, which is abundant at the compost facility, and

WHEREAS, some agencies have had to replace the drum drive motors on their hydraulic drive system every two or three months, and

WHEREAS, the drive components on the trans-fluid-coupler windrow turner are suitably isolated from the dust and dirt and the system is designed to handle contaminants of this nature, and

WHEREAS, the synchronous belt drive on the trans-fluid-coupler technology has a 5000-hour service interval, where the hydraulic drum system has a 500-hour service interval, and

WHEREAS, the trans-fluid-coupler technology has a stronger drum than the hydraulic drive system windrow turner, and

WHEREAS, the trans-fluid-coupler has a ¾ inch thick wall on the drum pipe and is twice as thick as what has been available in the past, and

WHEREAS, drum replacement can cost over \$10,000; and if the drum is bent, it cannot be used, and a new drum costs approximately \$16,000, and

WHEREAS, the trans-fluid-coupler system has a six (6) inch shaft on the turning drum, the largest shaft in the industry, and

WHEREAS, the hydraulic drive system windrow turner has a three (3) inch shaft, and

WHEREAS, the trans-fluid-coupler technology has the largest drum flail diameter, and

WHEREAS, the larger the cross section of the windrow the drum contacts with, the more production the compost will have, and

WHEREAS, the trans-fluid-coupler windrow turner has the largest tip-to-tip flail dimension on the market, working 75% of the window, and

WHEREAS, this provides the best aeration and production available, and

WHEREAS, the trans-fluid-coupler system windrow turner is the most refined compost turner on the market, and

WHEREAS, the combination fluid coupler, poly chain drive, large diameter drum, large diameter drum shafts and heavy duty drum wall makes this technology unique to the market, and is more efficient than the hydraulic drum system windrow turner, and

WHEREAS, with the purchase of new windrow turner, required maintenance costs should decrease and compost productivity should increase, and

WHEREAS, by soliciting formal bids for the purchase of one (1) windrow turner the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit formal Request for Bids for one (1) windrow turner with a trans-fluid-coupler system as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of one (1) windrow turner to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 461**

**A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO TRANSFER \$33,030 FROM 7210-800-8000-8003, \$150,000 FROM 6210-480-5227-0360, AND \$76,970 FROM 6290-480-5222-0223 INTO 6290-480-5222-5900 AND AMEND THE BUDGET TO APPROPRIATE THESE FUNDS FOR THE PURCHASE OF ONE (1) WINDROW TURNER FOR A TOTAL ESTIMATED COST OF \$260,000.00**

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division has requested the purchase of one (1) windrow turner, and

WHEREAS, a windrow turner is an important piece of equipment used to produce compost, and

WHEREAS, the materials to be composted are placed into windrows and the windrow turner passes over each windrow and mixes the composting materials, and

WHEREAS, the windrow turner presently in use is expensive to repair, impacts staff productivity and efficiency and adds greatly to the compost production cost, and

WHEREAS, with the purchase of a new windrow turner required maintenance costs should decrease and compost productivity should increase, and

WHEREAS, Council desires to amend the budget for said purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorized the Finance Department to transfer \$33,030 from 7210-800-8000-8003, \$150,000 from 6210-480-5227-0360, and \$76,970 from 6290-480-5222-0223 into 6290-480-5222-5900 and amend the budget to appropriate these funds for the purchase of one (1) windrow turner.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-462**

**A RESOLUTION APPROVING THE ADDITION OF ONE POSITION TO THE  
POSITION ALLOCATION TABLE IN THE PUBLIC WORKS DEPARTMENT  
FOR FISCAL YEAR 2004-2005.**

WHEREAS, the addition of one position to the Public Works Department's position allocation table was proposed during the budget development process and submitted as a Decision Package for Fiscal Year 2004-2005, and

WHEREAS, the addition of this position was initially approved by the City Manager, the Deputy City Manager, and the Finance Committee, but was omitted from the final published budget document, and

WHEREAS, during the final budget process, this enhancement package was set aside for consideration outside the budget development process, and

WHEREAS, the need for this position allocation change still exists, and

WHEREAS, the resignation of one part-time employee and the pending retirement of yet another part-time employee creates an opportunity to provide a more appropriate level of staffing in the Transit Division to complement the additional workload that has evolved due to the implementation of several new programs in recent years, and

WHEREAS, as the Transit System continues to grow more effort will be needed to keep pace with the growth in the number of bus stops and bus pass sales that will ultimately occur, and

WHEREAS, by combining the two part-time positions together into one full-time position the duties that would be handled by this combined position would fit perfectly into a forty-hour workweek, and

WHEREAS, a major portion of this person's time will be dedicated to gathering of data, designing, printing and posting of bus stop schedules at each of the 800 bus stops in the Modesto Area Express (MAX) bus system, and

WHEREAS, these tasks stem from a project, which was assigned by the City Council to the Transit Division, and has proven very popular with MAX customers, and

WHEREAS, making this position full-time is important to the continued success of the program by helping to ensure that it will be staffed by a qualified, competent individual, and

WHEREAS, funding for this position will be provided by combining \$26,892 currently allocated to fund two part-time positions, with an additional appropriation of \$24,755 in Local Transportation Funds (LTF) for the purpose of funding a full-time Transit Planning Technician I, and

WHEREAS, at its meeting of August 11, 2004, the Finance Committee approved this position allocation change and recommended approval to Council,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that the following position change is hereby approved in the Public Works Department:

Add one (1) permanent full-time Transit Planning Technician I (working title) position in range 115, in Organization 1672 (Transit Division).

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary position changes in coordination with the Personnel Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-463**

**A RESOLUTION AMENDING THE FY04-05 OPERATING BUDGET TO  
APPROPRIATE \$24,755 FROM LOCAL TRANSPORTATION FUND 6540-165-  
1672-3158 TO 6540-165-1672-0182 FOR THE ACCOUNT TITLED "BUS FIXED  
ROUTE MAX OPERATIONS"**

WHEREAS, on September 14, 2004, the City Council approved the following position change in the Public Works Department:

Add one (1) permanent full-time Transit Planning Technician I (working title) position in range 115, in Organization 1672 (Transit Division), and

WHEREAS funding for this position will be provided by combining \$26,892 currently allocated to fund two part-time positions, with an additional appropriation of \$24,755 in Local Transportation Funds (LTF) for the purpose of funding a full-time Transit Planning Technician I (working title), and

WHEREAS the City Council authorized City staff to make the necessary position changes in coordination with the Personnel Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Operating Budget for fiscal year 2004-05 to appropriate an additional \$24,755 from Local Transportation Fund 6540-165-1672-3158 to operating account 6540-165-1672-0182 in the Bus Fixed Route MAX Operations operating budget to fully fund this position.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the steps necessary to amend the Operating Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

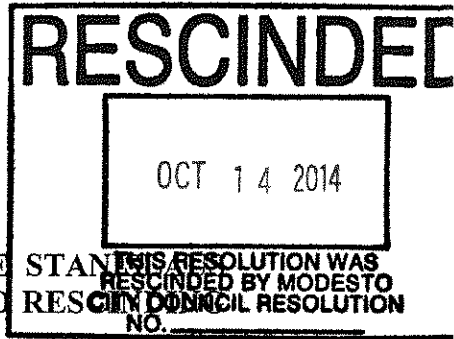
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-464



A RESOLUTION IN SUPPORT OF THE RENEWAL OF THE STANISLAUS COUNTY RECYCLING MARKET DEVELOPMENT ZONE AND RESOLUTION NO. 93-515

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO.

2014-418

WHEREAS, the California Public Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the State to provide incentives to stimulate development of post-consumer and secondary materials markets for recyclables, and

WHEREAS, cities and counties must meet a 50 percent reduction in landfill waste disposal as mandated in the California Integrated Waste Management Act, and

WHEREAS, the Stanislaus County RMDZ is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist local jurisdictions to meet the established landfill reduction goals, and

WHEREAS, the Stanislaus County RMDZ designation will expire in November 2004 unless re-designation by the California Integrated Waste Management Board, and

WHEREAS, the City of Modesto still desires existing and new recycling-based manufacturing businesses locating within the region to be eligible for the technical and financial incentives associated with the RMDZ program, and

WHEREAS, the renewal of the Stanislaus County RMDZ is still necessary to facilitate local and regional planning, coordination, support of existing recycling-based manufacturing businesses, as well as attract private sector recycling business investments to the region, and

WHEREAS, the current and proposed waste management practices and conditions are favorable to the development of post-consumer and secondary waste materials markets, and

WHEREAS, the California Integrated Waste Management Board, in its Strategic Plan, has adopted a goal to continuously integrate environmental justice concerns into all of the Board's programs and activities, and

WHEREAS, the California Legislature has defined environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of the environmental laws, regulations, and policies" [Government Code section 65040.12(e)], and has directed the California Environmental Protection Agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state [Public Resources Code section 71110(a)], and

WHEREAS, Stanislaus County as Lead Agency under the California Environmental Quality Act, has prepared, or caused to be prepared, and adopted a Negative Declaration for this zone renewal project that finds that the project will not have a significant impact on the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a Recycling Market Development Zone renewal application to include the City of Modesto.

BE IT FURTHER RESOLVED that Resolution No. 93 - 515 is hereby rescinded, effective September 14, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-465**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN PAPTONE WEST  
SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING  
THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, MODESTO ANNEX DEVELOPERS, L.P., a California Limited Partnership, by Modesto Annex Investors, LLC, a California limited liability company, is the subdivider of the PAPTONE WEST SUBDIVISION (“SUBDIVISION”), in the Village One Specific Plan Area, and

WHEREAS, MODESTO ANNEX DEVELOPERS, L.P., a California Limited Partnership, by Modesto Annex Investors, LLC, a California limited liability company has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$2,150,936.82 and \$1,075,468.41, respectively, and

WHEREAS, MODESTO ANNEX DEVELOPERS, L.P., a California Limited Partnership, by Modesto Annex Investors, LLC, a California limited liability company has filed a warranty bond in the amount of \$215,093.68 to guarantee improvements in the Papatone West Subdivision, and

WHEREAS, the Public Works Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

that:

1. The improvements in the Papatone West Subdivision are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$2,150,936.82 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$1,075,468.41 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$215,093.68 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Alison Barratt-Green  
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-466**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE DISTRICT (ANNEXATION NO. 3)**

WHEREAS, this Council did, on August 10, 2004, adopt its Resolution No. 2004-409 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon; and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk; and

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 3 of Community Facilities District No. 2004-1 ("Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on August 11, 2004, in the Office of the County Recorder of the County of Stanislaus, in Book 3 of Maps of Assessment and Community Facilities Districts, at page 96; and

WHEREAS, at the time and date set for the hearing (September 14, 2004) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special

taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory; and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be

applicable to such election. The ballot measure shall be substantially in the form attached hereto as **Exhibit A**.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the owners of land in the Annexed Territory (collectively, the "Landowners"), the election shall be held on the 14<sup>th</sup> day of September 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowners.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the landowners.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter, order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

SAMPLE

OFFICIAL BALLOT

BALLOT NO. \_\_\_\_

CITY OF MODESTO  
COMMUNITIES FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)

ANNEXATION NO. 3

SPECIAL TAX ELECTION

September 14, 2004

\_\_\_\_% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT  
NUMBER OF VOTES ENTITLED TO BE CAST \_\_\_\_  
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-409, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 3)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on August 10, 2004, for the purposes set forth in the Resolution of Formation?

YES  
  
NO

BALLOT NO. \_\_\_\_

\_\_\_\_% of land in territory proposed to be annexed to District  
THIS BALLOT HAS A VALUE OF \_\_ VOTES

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-467**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE SEPTEMBER 14, 2004, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), AND ORDERING ANNEXATION OF THE TERRITORY TO THE DISTRICT (ANNEXATION NO. 3)**

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2004-409, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 3)" adopted on August 10, 2004, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2004-466, adopted on September 14, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for September 14, 2004, relative to the foregoing; and

WHEREAS, on September 14, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2004-409 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of

Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

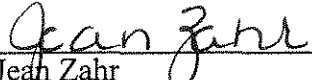
**CERTIFICATE OF CITY CLERK**

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-~~466~~ A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 3) adopted on September 14, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on September 14, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-409, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 3)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on August 10, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST:      YES 2      NO 0

  
\_\_\_\_\_  
Jean Zahr  
City Clerk of the City of Modesto

Dated: Sept 17, 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-468**

**A RESOLUTION APPROVING THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR FISCAL YEAR 2003-2004, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

WHEREAS, the City of Modesto receives several Federal grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activities of the City and its sub-recipients for the period of July 1, 2003, through June 30, 2004, and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnership Grant, and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the CAPER must be made available for public review and comment for a minimum 15-day period, and

WHEREAS, the CAPER was made available for public review and comment from August 27, 2004 through September 14, 2004, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on August 27, 2004, and reviewed and recommended the CAPER, and

WHEREAS, a duly noticed public hearing was held by the Council on September 14, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2003-2004 is hereby approved subject to any correction for accuracy being made by the City Manager, and a copy of said report is on file in the office of the City Clerk.
2. That the City Manager, or his authorized designee, is hereby authorized, after having made any necessary correction, to submit said report to the U.S. Department of Housing and Urban Development (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Fahr  
JEAN FAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-469**

**A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION  
(SCH NO. 2004062131) FOR THE FOLLOWING PROJECT COVERED BY A  
MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): MARY  
E. GROGAN COMMUNITY PARK.**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, by Initial Study / Environmental Assessment EA/PR&N No. 2003-09, dated June 16, 2004, reviewed the proposed Project pursuant to Section 21157.1 of the Public Resources Code to analyze whether the proposed project is within the scope of the Master Environmental Impact Report, and

WHEREAS, Section 21080(c)(2) allows the adoption of a Mitigated Negative Declaration (MND) if the lead agency, after reviewing and considering the entire record before the agency, identifies potentially significant effects on the environment, but (a) revisions in the Project plans or proposals made by, or agreed to by, the applicant before the Initial Study (IS) is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there is no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto, the lead agency, after reviewing and considering the Master EIR, the Initial Study and the entire record before it identified potentially significant effects on the environment, but (a) revisions in the Project plans agreed to by the City before the proposed Mitigated Negative Declaration and the Initial

Study were released for public review would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there was no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment and determined that it would be appropriate to prepare a Mitigated Negative Declaration for the Project, and

WHEREAS, the City of Modesto prepared, circulated and posted, pursuant to Sections 15070 and 15105 of the CEQA Guidelines, an Initial Study / Environmental Assessment EA/PR&N 2003-09 and a Draft Mitigated Negative Declaration (SCH No. 2004062131), dated June 2004, (“IS/MND”) and

WHEREAS, the IS/MND was released for public review and comment for the required 30-day period beginning on June 25, 2004, and ending on July 26, 2004, and

WHEREAS, no comments were submitted in response to the Draft Mitigated Negative Declaration which would require a significant revision of the proposed IS/MND, and

WHEREAS, in a public hearing on September 14, 2004, the City Council reviewed and considered the IS/MND for the proposed development and construction of Mary E. Grogan Neighborhood Park Project, together with all comments received during the public review and circulation period and responses thereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study / Environmental Assessment EA/PR&N 2003-09 and the Draft Mitigated Negative Declaration (“IS/MND”) (SCH No. 2004062131) for the proposed Project, a copy of which are on file in the Parks, Recreation and Neighborhoods Department, together with all comments

received during the public review and circulation period, and based on the substantial evidence included in said IS/MND makes the following findings:

1. The Mitigated Negative Declaration prepared for the proposed Project pursuant to CEQA Section 21157.1, have identified additional significant environmental effects that were not analyzed in the Master Environmental Impact Report (“EIR”). These additional significant effects are potential impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise and Traffic and Circulation.
2. Feasible mitigation measures were incorporated to revise the subsequent Project before the proposed Mitigated Negative Declaration was released for public review, in order to avoid or mitigate the effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the public agency that the Project, as revised and mitigated, may have a significant effect on the environment (CEQA Section 21064.5(2)).
4. As part of the adoption of the Mitigated Negative Declaration, the City Council finds that the report or declaration reflects the independent judgment of the lead agency for the project.
5. As required by CEQA Section 21081.6 et. Seq., a Mitigation Monitoring Program will be adopted by incorporating the Mitigation Measures into the project plan (CEQA Section 21081.6(b)).

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts the Initial Study / Environmental Assessment EA/PR&N 2003-09 and Mitigated Negative Declaration (SCH No. 2004062131) for the proposed development and construction of the Mary E. Grogan Community Park Project by the City of Modesto and hereby designates the Parks Planning and Development Services Division of the Parks, Recreation and Neighborhoods Department as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the

Department of Parks, Recreation and Neighborhoods, 1010 Tenth Street, Suite 4400, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Section 21081.6 of the Public Resources Code, a Mitigation Monitoring Program is hereby adopted by incorporating the mitigation measures into the Project plan as set forth in Appendix "D" of the Final Initial Study/Mitigated Negative Declaration.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Parks, Recreation and Neighborhoods Director is hereby authorized and directed to file a Notice of Determination with the County Clerk's Office within five (5) working days of the date of this determination, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-470**

**A RESOLUTION APPROVING THE DESIGN DEVELOPMENT REPORT AND  
MASTER PLAN INCLUDED THEREIN FOR MARY E. GROGAN COMMUNITY  
PARK.**

WHEREAS, in July 2004, Purkiss Rose RSI completed a Design Development Report, which includes the Master Plan, for Mary E. Grogan Community Park, and

WHEREAS, prior to adopting the Design Development Report, the California Environmental Quality Act (CEQA) requires that the City of Modesto consider the environmental consequences of the proposed project, and

WHEREAS, on July 5, 2004, the Safety and Communities Committee recommended approval of the Mary E. Grogan Community Park, and

WHEREAS, by an agenda report dated August 18, 2004 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the Mary E. Grogan Community Park Design Development Report, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, the Mary E. Grogan Community Park Design Development Report dated July 2004, is within the scope of and contemplated by the City of Modesto Urban Area General Plan, and

WHEREAS, on September 14, 2004, concurrent with this resolution, the Modesto City Council adopted Resolution No. 2004-469, finding that development and construction of the Mary E. Grogan Community Park is in conformance with the City Of Modesto General Plan MEIR (SCH No. 1999082041),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Mary E. Grogan Community Park Design Development Report is complete and adequate, and it hereby approves the Mary E. Grogan Community Park Design Development Report, and Master Plan included therein, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-471**

**A RESOLUTION INITIATING A PROPOSITION 218 PROTEST PROCESS TO ADJUST WATER RATES, AS RECOMMENDED IN THE “WATER UTILITY COST OF SERVICE RATE STUDY” PREPARED BY FORESIGHT CONSULTING, TO CONSTRUCT NECESSARY WATER SYSTEM IMPROVEMENTS, AS IDENTIFIED BY WEST YOST ASSOCIATES IN “JUSTIFICATION AND COST ALLOCATION FOR PROPOSED WATER SYSTEM IMPROVEMENTS”**

WHEREAS, on March 23, 2004, Council directed staff to undertake the necessary steps to initiate implementation of water rate increases for the water utility, and

WHEREAS, Council took this action based upon a review of water system needs and financial obligations, and

WHEREAS, Council provided further direction to establish a single water zone with a uniform rate structure, and

WHEREAS, following Council’s action, the City established a Water Rate Task Force, led by Councilmember Brad Hawn and including members from various City departments, to oversee an engineering needs assessment and cost of service rate study for the water utility, and

WHEREAS, Council approved a contract with Foresight Consulting to prepare the cost of service rate study analysis for the water utility, and

WHEREAS, Council also approved a contract with West Yost Associates to prepare a hydraulic model, and

WHEREAS West Yost also completed an engineering needs assessment of the water utility, and

WHEREAS, West Yost's report, *Justification and Cost Allocation for Proposed Water System Improvements*, identifies water system needs totaling \$152.8 Million over the course of the next five (5) fiscal years, and

WHEREAS, the West Yost report allocates the bulk of these needs (seventy-four and two-tenths percent (74.2%) / \$113.4 million) to existing customers and the remaining system needs (twenty-five and eight-tenths percent (25.8%) / \$39.4 million) to future system customers, and

WHEREAS, the *Water Utility Cost of Service Rate Study* prepared by Foresight Consulting concludes rate increases are needed in order to fund the necessary system improvements, as well as to continue to offer high quality service to water utility customers, and

WHEREAS, Foresight's proposed rate adjustments would increase rates by varying amounts for the initial adjustment, effective January 1, 2005, dependent on lot size, customer type and zone, and averaging thirty-five percent (35%) for most residential flat-rate customers, and

WHEREAS, Foresight also proposes subsequent across-the-board rate increases for all customer types and classes effective July 1, 2005, in the amount of twenty percent (20%), effective July 1, 2006, in the amount of fifteen percent (15%), effective July 1, 2007, in the amount of five percent (5%), and effective July 1, 2008, in the amount of five percent (5%), and,

WHEREAS, the Foresight Study further recommends adopting annual automatic rate adjustments beginning July 1, 2009, which would be linked to changes in the

Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, as prepared by the California Department of Finance, and

WHEREAS, the actual rates levied each year would not exceed the adjusted maximum rates in any given fiscal year without further notification of the property owners, and

WHEREAS, in order to enact the proposed rate increases needed to fund system improvements identified by West Yost the City must conduct a Proposition 218 protest process affording property owners the opportunity to protest the proposed rates, and

WHEREAS, the protest process provides for notices to be mailed to each property owner explaining the new rate structure and proposed rate adjustments, and

WHEREAS, the protest process also requires a public hearing be set for a date not less than forty-five (45) days from the date when protest notices are mailed to property owners, and

WHEREAS, the Finance Committee received the findings and recommendations from West Yost and Foresight Consulting during its meeting on September 2, 2004 and forwarded said findings, recommendations and reports to the full Council for review,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that a Proposition 218 Protest process be initiated to adjust rates according to the Foresight report's proposed Financial Plan with varying rate adjustments for Fiscal Year 2004-2005 (dependent upon customer class, lot size, current zone and current rate) and twenty percent (20%), fifteen percent (15%), five percent (5%) and five percent (5%) across-the-board rate adjustments in subsequent years (2005-2006 through 2008-2009) to support the Financial Plan.

BE IT FURTHER RESOLVED that the protest process include automatic rate adjustments, subject to annual review, beginning July 1, 2009, which would provide for annual rate adjustments linked to changes in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, as prepared by the California Department of Finance.

BE IT FURTHER RESOLVED that actual rates levied each year will not exceed the adjusted maximum rates in any given fiscal year without further notification of the property owners.

BE IT FURTHER RESOLVED that protest notices be mailed to property owners explaining the new rate structure and proposed rate adjustments and allowing for a protest response.

BE IT FURTHER RESOLVED that a public hearing be set for November 23, 2004 to consider the results of the protest response and to act on the proposed rate adjustments.

BE IT FURTHER RESOLVED that Council will review water rates every three years to determine if further adjustments are warranted

BE IT FURTHER RESOLVED that the additional utility user's tax received as a result of the increased water rates will be used to assist low income seniors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-472**

**A RESOLUTION APPROVING THE RENAMING OF THE CITY PARK CURRENTLY REFERRED TO AS "ORVILLE WRIGHT NEIGHBORHOOD PARK", LOCATED AT 1601 HILLSIDE DRIVE, TO "GEORGE A. ROGERS NEIGHBORHOOD PARK".**

WHEREAS, at its April 26, 2004, meeting, the Culture Commission met with Tom Myers, a teacher at Rose Avenue Elementary School and a group of citizens, who gave a brief presentation asking the members to consider a proposal to rename Orville Wright Neighborhood Park (located at 1601 Hillside Drive) as George A. Rogers Neighborhood Park, and

WHEREAS, George A. Rogers was a respected and dynamic individual who was a dedicated teacher and mentor at Orville Wright Elementary School for 30 years, and

WHEREAS, the group presented 105 letters requesting this name change and a petition containing 535 signatures of support to the Commission, and

WHEREAS, per City Council Policy No. 6.005 (1) parks located adjacent to schools shall be given the same name as the school, unless the request meets the following exception stated in (3) of the above policy:

"An exception to the above procedure would be made when the park has been made possible by a public-spirited citizen and the Council determines it appropriate to name the park after the citizen or a name suggested by the citizen."

and

WHEREAS, Mr. Rogers was involved from the beginning when meetings were held with the Modesto Airport Neighbors United to discuss the possibility of a park with a baseball field that would benefit the Airport neighborhood, Mr. Rogers presented this "park idea" to the Orville Wright staff and gained their support for the neighborhood park, and Mr. Rogers' involvement in numerous school and community organizations supports his qualification as a public-spirited citizen, and

WHEREAS, the Culture Commission believed this request met the exception listed in City Council Policy No. 6.005 (3) and directed staff to follow the proper procedures, and

WHEREAS, a duly noticed public hearing of the Culture Commission was held on June 28, 2004, at which time several citizens voiced their support for this name change including: Scott Genzmer, former Principal of Orville Wright Elementary School; Jim Enochs, Superintendent of Modesto City Schools; Craig Orona, Mr. Roger's nephew; and Mary Lynn Lebow, Airport Neighbors United Coordinator, and all expressed their admiration for George A. Rogers, stating that he was a man of enormous integrity who has inspired three generations of pupils at Orville Wright Elementary School, and

WHEREAS, at the September 8, 2004, Safety and Communities meeting, the above individuals, and others, reiterated their admiration and respect for George Rogers and his many acts of dedication, most notably to the youth of Modesto and the Airport neighborhood, and

WHEREAS, the Safety and Communities Committee met on September 8, 2004, and supported the recommendation to rename the Orville Wright Neighborhood Park to George A. Rogers Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renaming the city park currently referred to as "Orville Wright Neighborhood Park", located at 1601 Hillside Drive, to "George A. Rogers Neighborhood Park".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM: ✓

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-473**

**A RESOLUTION APPOINTING ELEVEN MODESTO AREA HIGH SCHOOL STUDENTS TO THE CITY OF MODESTO YOUTH COMMISSION.**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, as authorized by Resolution No. 89-443, principals from the High Schools within the City Limits of the City of Modesto have recommended students to serve as Modesto Youth Commissioners,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Two Modesto area high school students are hereby appointed to the City of Modesto Youth Commission, with a one-year term limit, as follows:

Beyer High School  
Chance Kenney

Valley Business High School  
Joshua DeLeon

SECTION 2. Nine Modesto area high school students are hereby appointed to the City of Modesto Youth Commission, with a two-year term limit, as follows:

Beyer High School  
Meghan Killian

Big Valley Grace High School  
Katie Collins

Central Catholic High School  
Suzann Galas

Davis High School  
John Abate

Downey High School  
Amy Sutherland  
Johansen High School  
Cami Gonella

Modesto High School  
Christina Ramos

Modesto Christian School  
Kyle Silberbauer

Valley Business  
Jennifer McGaffee

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the City of Modesto Youth Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-474**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO AND  
RESCINDING RESOLUTION NO. 2002-450**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

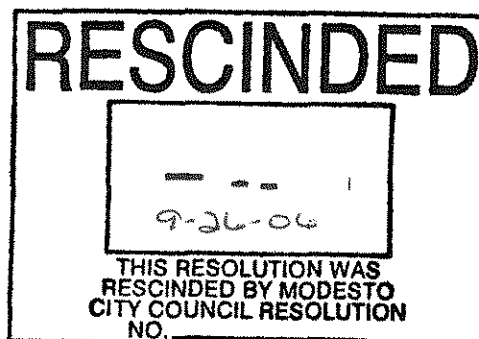
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Manager of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2002-450 adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CONFLICT OF INTEREST CODE  
OF THE  
OFFICE OF THE CITY MANAGER  
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

OFFICE OF THE CITY MANAGER

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions

Disclosure Category

City Manager

1 & 2

Consultant(s)

3

Deputy City Manager

2

Administrative Analyst II

2

OFFICE OF THE CITY MANAGER  
CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-475**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY  
OF MODESTO AND RESCINDING RESOLUTION NO. 2002-452**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

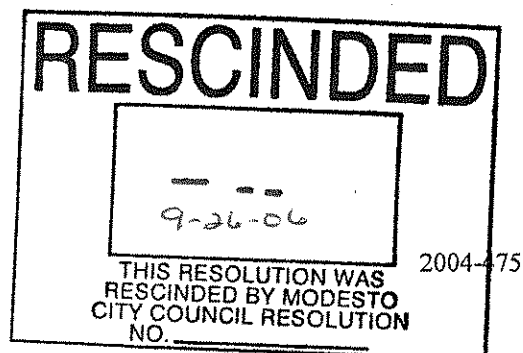
WHEREAS, the Council, at its meeting of September 28, 2004 considered the adoption of amended conflict of interest codes for various City departments, including the Community & Economic Development Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Community & Economic Development Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2002-452 adopted by the Council is hereby rescinded.

09/28/04/CC/R Bartholomew/Item 05

1



2006-591

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CONFLICT OF INTEREST CODE**  
**OF THE**  
**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**  
**OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	1
Administrative Services Officer	1
Assistant Planner	1
Associate Civil Engineer	1
Associate Planner	1
Building Inspector I, II	1
Business Analyst	1
Business Development Division Manager	1
Chief Building Official	1
Community & Economic Development Director	1
Consultant	2
Deputy Chief Building Official	1
Junior Civil Engineer	1
Plan Review Engineer	1
Planning Assistant	1
Planning Division Manager	1
Planning Technician II	1
Principal Planner	1
Senior Building Inspector	1
Senior Civil Engineer	1
Senior Planner	1
Strategic Planning Manager	1
Supervising Building Inspector	1

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department that hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-476**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING  
RESOLUTION NO. 2002-451**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

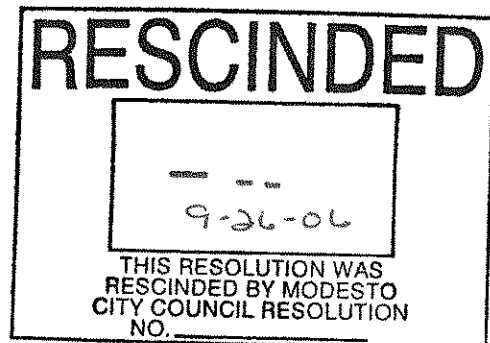
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the adoption of amended conflict of interest codes for various City departments, including the Finance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Finance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2002-451 adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CONFLICT OF INTEREST CODE  
OF THE  
FINANCE DEPARTMENT  
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Finance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

FINANCE DEPARTMENT  
CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Accounting Division Manager	2
Administrative Technician (Purchasing Division)	3
Buyer	3
Consultant	5
Deputy Finance Director (2)	2
Purchasing Officer	2
Stores Manager	3

FINANCE DEPARTMENT  
CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-477**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
INFORMATION & TECHNOLOGY DEPARTMENT OF THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 2002-455**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

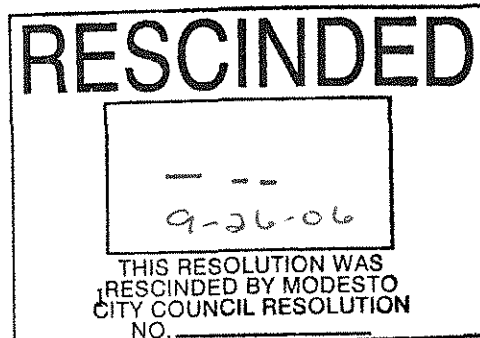
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the adoption of amended conflict of interest codes for various City departments, including the Information & Technology Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Information & Technology Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2002-455 adopted by the Council is hereby rescinded.



09/28/04/CC/R Bartholomew/Item 05

2004-477

2006-594

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CONFLICT OF INTEREST CODE**  
**OF THE**  
**INFORMATION TECHNOLOGY DEPARTMENT**  
**OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Finance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

INFORMATION TECHNOLOGY DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Consultant	5
Chief Information Officer	1
Deputy Chief Information Officer	2
Information Technology Unit Manager	2
Software Analyst IV	2
Software Analyst III	2
System Engineer III	2
System Engineer II	2

## INFORMATION TECHNOLOGY DEPARTMENT

### CONFLICT OF INTEREST CODE

#### EXHIBIT "B"

##### Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-478**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE PARKS, RECREATION & NEIGHBORHOODS DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2002-453**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

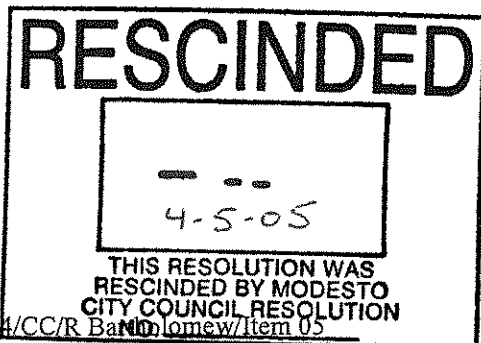
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the adoption of amended conflict of interest codes for various City departments, including the Parks, Recreation & Neighborhoods Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

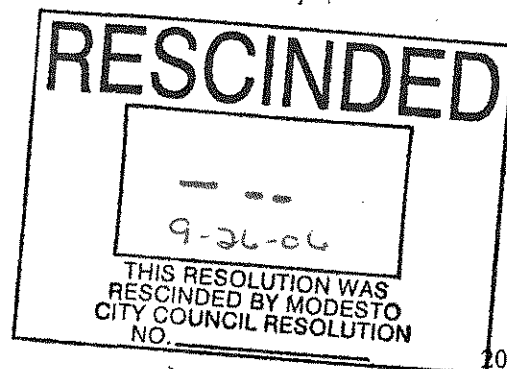
BE IT FURTHER RESOLVED that Resolution No. 2002-453 adopted by the Council is hereby rescinded.



09/28/04/CC/R Barlow/Item 05

2005-163

1



2004-478

2006-595

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CONFLICT OF INTEREST CODE**  
**OF THE**  
**PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT**  
**OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Parks, Recreation and Neighborhoods Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

PARKS, RECREATION & AND NEIGHBORHOODS DEPARTMENT  
 CONFLICT OF INTEREST CODE  
 EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	2
Administrative Analyst I	2
Administrative Services Officer	1
Building Maintenance Supervisor	1
Code Enforcement Officer I, II	2
Community Development Program Specialist II	2
Consultant	3
Cultural Services Manager	2
Customer Services Supervisor	2
Deputy Director – Cultural & Enterprise Services	1
Deputy Director – Recreation & Neighborhoods	1
Events Supervisor I	2
Events Supervisor II	2
Housing Financial Specialist	2
Housing Program Supervisor	2
Housing Rehabilitation Specialist II	2
Neighborhood Preservation Supervisor	2
Operations & Maintenance Supervisor	2
Operations Supervisor	2
Parks Operations Superintendent	1
Parks Planning & Development Manager	1
Project Coordinator	2
Parks, Recreation & Neighborhoods Director	1
Recreation Superintendent	1
Recreation Supervisor II	2
Senior Building Inspector	2
Senior Community Development Program Specialist	2
Senior Housing Rehabilitation Specialist	2

PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT  
CONFLICT OF INTEREST CODE  
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-479**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DELETING  
THE CONFLICT OF INTEREST CODE FOR THE ENGINEERING &  
TRANSPORTATION DEPARTMENT OF THE CITY OF MODESTO AND  
RESCINDING RESOLUTION NO. 2001-264**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the City Council, at its meeting of July 6, 2004, considered and approved the reorganization of various departments resulting in the elimination of the Engineering & Transportation and Operations & Maintenance Departments, and the creation of the Public Works Department, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the deletion of the conflict of interest code for various City departments, including the Engineering & Transportation Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby deletes the Conflict of Interest Code for the Engineering & Transportation Department of the City of Modesto.

BE IT FURTHER RESOLVED that Resolution No. 2001-264 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-480**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DELETING  
THE CONFLICT OF INTEREST CODE FOR THE OPERATIONS &  
MAINTENANCE DEPARTMENT OF THE CITY OF MODESTO AND  
RESCINDING RESOLUTION NO. 2002-454**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the City Council, at its meeting of July 6, 2004, considered and approved the reorganization of various departments resulting in the elimination of the Engineering & Transportation and Operations & Maintenance Departments, and the creation of the Public Works Department, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the deletion of the conflict of interest code for various City departments, including the Operations & Maintenance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby deletes the Conflict of Interest Code for the Operation & Maintenance Department of the City of Modesto.

BE IT FURTHER RESOLVED that Resolution No. 2002-454 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-481**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING THE CONFLICT OF INTEREST CODE FOR THE PUBLIC  
WORKS DEPARTMENT OF THE CITY OF MODESTO.**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

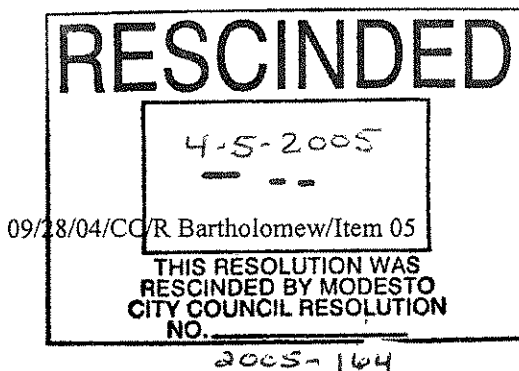
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

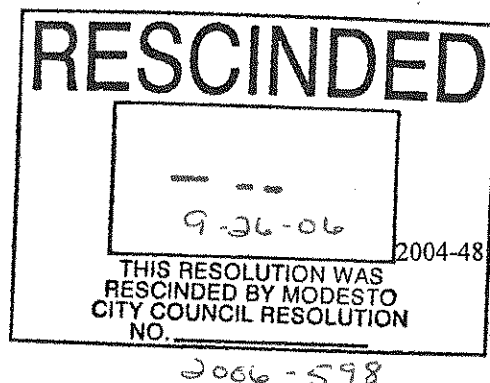
WHEREAS, the City Council, at its meeting of July 6, 2004, considered and approved the reorganization of various departments resulting in the elimination of the Engineering & Transportation and Operations & Maintenance Departments, and the creation of the Public Works Department, and

WHEREAS, the Council, at its meeting of September 28, 2004 considered the amendment, deletion and adoption of the conflict of interest codes for various City departments, including the Public Works Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts the Conflict of Interest Code for the Operation & Maintenance Department of the City of Modesto.



1



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CONFLICT OF INTEREST CODE  
OF THE  
PUBLIC WORKS DEPARTMENT  
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Public Works Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

PUBLIC WORKS DEPARTMENT  
 CONFLICT OF INTEREST CODE  
 EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst II	1
Administrative Services Officer	1
Airport Maintenance Crewleader	1
Airport Manager	1
Associate Civil Engineer	1
Associate Traffic Engineer	1
Building Maintenance Superintendent	1
Code Enforcement Officer	1
Construction Inspector	1
Consultant	3
Deputy Director of Operations & Maintenance	1
Deputy Director of Engineering & Transportation	1
Electrical Supervisor	2
Environmental Compliance Inspector	2
Fleet Manager	1
Integrated Waste Specialist	1
Land Surveyor	1
Public Works Director	1
Operations & Maintenance Supervisor (Org #s 5012-5016,5212, 5312 only)	2
Recycling Coordinator	1
Regulatory Compliance Supervisor	1
SCADA Supervisor	2
Senior Civil Engineer	1
Senior Construction Inspector	1
Senior Environmental Compliance Inspector	2
Solid Waste Program Manager	1
Supervising Construction Inspector	1
Streets Maintenance Superintendent	1
Traffic Engineer	1
Transit Manager	1

Transportation Planner	1
Urban Forestry Superintendent	1
Wastewater Collection Superintendent	1
Water Quality Control Operations Supervisor	2
Water Quality Control Maintenance Supervisor	2
Water Superintendent	1

PUBLIC WORKS DEPARTMENT  
CONFLICT OF INTEREST CODE  
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-482**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
MICHAEL VANDEN BOSCH FROM THE COMMUNITY QUALITIES FORUM,  
EFFECTIVE SEPTEMBER 28, 2004**

WHEREAS, MICHAEL VANDEN BOSCH was appointed a member of the  
Community Qualities Forum on November 25, 2003; and

WHEREAS, MICHAEL VANDEN BOSCH has tendered his resignation from the  
Community Qualities Forum, effective September 28, 2004; and

WHEREAS, MICHAEL VANDEN BOSCH has been a devoted and sincere  
public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of MICHAEL  
VANDEN BOSCH from the Community Qualities Forum be, and hereby is accepted  
with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its  
own behalf, and on behalf of the citizens of this City, hereby expresses its sincere  
appreciation to MICHAEL VANDEN BOSCH for his outstanding service to the  
community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM: /

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-483**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JEROME  
BEAMISH FROM THE LANDMARK PRESERVATION COMMISSION**

WHEREAS, JEROME BEAMISH was appointed a member of the Landmark Preservation Commission on April 8, 1997, and

WHEREAS, JEROME BEAMISH has tendered his resignation from the aforementioned committee, and

WHEREAS, JEROME BEAMISH has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of JEROME BEAMISH from the Landmark Preservation Commission hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JEROME BEAMISH for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-484**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
STEPHEN KELLOGG FROM THE BOARD OF BUILDING APPEALS**

WHEREAS, STEPHEN KELLOGG was appointed a member of the Board of Building Appeals on March 6, 2001, and

WHEREAS, STEPHEN KELLOGG has tendered his resignation from the aforementioned committee, and

WHEREAS, STEPHEN KELLOGG has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of STEPHEN KELLOGG from the Board of Building Appeals hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to STEPHEN KELLOGG for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahir  
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-485**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN M. GLEASON FOR THE ACQUISITION OF PROPERTY, BEING ASSESSORS PARCEL NO. 066-025-069, FOR THE RECONSTRUCTION AND EXPANSION OF THE ROSE/CELESTE SANITARY SEWER LIFT STATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID ACQUISITION.**

WHEREAS, as part of the City Council policy to ensure redundancy and reliability in Modesto's sanitary sewer system, the sanitary sewer lift station at Rose/Celeste has been evaluated and it has been determined to be undersized and located in a street right of way requiring street closures for maintenance or repair, and

WHEREAS, it has been determined that the current sanitary sewer lift station should be abandoned and that a replacement sanitary sewer lift station should be placed on an adjacent parcel of land located at 1924/1926 Rose Avenue which is also described as Assessors Parcel Number 066-025-069, and

WHEREAS, a property acquisition needs to be completed for this lift station project, and

WHEREAS, at the direction of the City Council, City staff has contracted with Mr. Steve Castellano of Associated Right of Way Services (ARWS) to complete the negotiations with the property owner, Helen M. Gleason, to purchase said parcel located at 1924/1926 Rose Avenue for a purchase price of Two Hundred, Eight-five Thousand and No Dollars (\$285,000), and

WHEREAS, an agreement is needed for the acquisition of the needed property acquisition, and

WHEREAS, the Economic Development Committee reviewed the proposed acquisition on February 9, 2004 and recommended proceeding with the acquisition and subsequent lift station replacement, and

WHEREAS, said lift station project is categorically exempt from CEQA pursuant to Section 15303 (d): New construction – Water main, sanitary sewer utility extension and street improvements of reasonable length, and

WHEREAS, this project has been found to be in conformance with the General Plan as part of the FY 2004 approval of the Capital Improvement Program project list – “Sewer Lift Station Upgrade – Rose Avenue”, and

WHEREAS, a Phase I Environmental review was completed on September 7, 2004 and the conclusion was that there was no evidence of known Recognized Environmental Conditions of Concern for the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Helen M. Gleason for the acquisition of property, being Assessors Parcel No. 066-025-069, for the replacement of the Rose/Celeste sanitary sewer lift station is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, on behalf of the City of Modesto is hereby authorized to execute the Agreement.

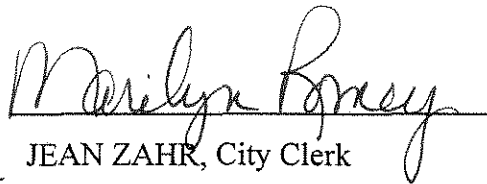
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHR, City Clerk

Approved as to Form:



MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-486

**A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY HELEN M. GLEASON, BEING ASSESSORS PARCEL NO. 066-025-069, FOR THE REPLACEMENT OF THE ROSE/CELESTE SANITARY SEWER LIFT STATION**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire the parcel from Helen M. Gleason, being Assessors Parcel No. 066-025-069, for the replacement of the Rose/Celeste sanitary sewer lift station,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form on behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Helen M. Gleason, being Assessors Parcel No. 066-025-069, for the replacement of the Rose/Celeste sanitary sewer lift station.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-487**

**RESOLUTION TRANSFERRING \$325,000.00 FROM 6210-430-5225 (SEWER OPERATING ACCOUNT) TO 6210-410-B400-6030 (SEWER LIFT STATION UPGRADE – ROSE AVENUE) FOR THE PURCHASE OF PROPERTY FOR THE NEW ROSE-CELESTE SANITARY SEWER LIFT STATION**

WHEREAS, on October 24, 2003, the City adopted the 2003–2004 Capital Improvement Program including the construction of the Rose-Celeste Sanitary Sewer Lift Station, and

WHEREAS, the provisions budget included the acquisition of property located at 1924-1926 Rose Avenue, and

WHEREAS, the acquisition costs are estimated to be \$325,000, including all related property acquisition costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that \$325,000 shall be transferred from Account Number 6210-430-5225 (Sewer Operating Account) to the Capital Improvement Project Account Number 6210-430-B400 (Sewer Lift Station Upgrade – Rose Avenue) for the purchase of property at 1924-1926 Rose Avenue for the Rose-Celeste Sanitary Sewer Lift Station.

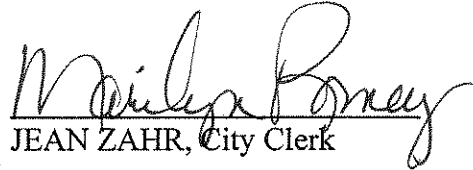
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-488**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF WATER STORAGE TANK DIVING INSPECTION SERVICE AND REPAIR, TO ADVANCED DIVING SERVICES, INC., MESQUITE, NV, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$21,376**

WHEREAS, the City of Modesto operates and maintains seven (7) above ground non-elevated potable water storage tanks, and

WHEREAS, each tank varies in size, holding from .22 million gallons to 2.0 million gallons of potable water, and

WHEREAS, the Public Works Department, Water Division has requested water storage tank diving inspection service and repair for the following potable water storage tanks Nos. 3, 4, 5, 6, 7, 8 and 9, and

WHEREAS, tank diving services shall be performed on an annual basis, scheduled by the Public Works Department, Water Division, and

WHEREAS, services consist of providing all of the labor, parts, materials and equipment necessary to furnish underwater closed circuit video inspection of the tank floor and interior coating, and visual inspection of the exterior coating, and

WHEREAS, services also included the removal of underwater sediments that collect on the tank floor, touch-up and repair of corrosive areas found in the interior of the tank, and underwater cutting and welding, as required, and

WHEREAS, on May 25, 2004, Council approved Resolution No. 2004-272, authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of water

storage tank diving inspection service and repair, for a three (3) year agreement, with two (2) one-year extension options, and

WHEREAS, the Purchasing Supervisor solicited Request for Bid No. 0304-24, for the furnishing of water storage tank diving inspection service and repair to seventeen (17) companies, posted the bid on the City's web site, and formally advertised as required by law, and

WHEREAS, of the seventeen (17) companies solicited, two (2) companies chose to respond, and

WHEREAS, based on being the lowest responsive bid, City staff recommends the award of Bid No. 0304-24 and contract for the furnishing of water storage tank diving inspection service and repair, to Advanced Diving Services, Inc., Mesquite, NV, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$21,376.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0304-24 and contract for the furnishing of water storage tank diving inspection service and repair, to Advanced Diving Services, Inc., Mesquite, NV, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$21,376.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute said contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milch  
Michael D. Milch, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-489**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF DISCING AND FLAIL MOWING SERVICES, TO JOE SCOTO FARMING, MODESTO, CA, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$67,324**

WHEREAS, the Parks, Recreation and Neighborhoods Department, Park Operations Division has requested discing and flail mowing services for twenty-two (22) City locations, consisting of approximately 632 acres, and

WHEREAS, discing and flail mowing are performed on open fields as part of a weed abatement program to control the over-growth of weeds and grasses, and

WHEREAS, a complete discing or flail mowing consists of one (1) complete pass through the field, and

WHEREAS, it is anticipated that services shall be performed four (4) times per year at each City location, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, Park Operations Division shall determine the service schedule, and

WHEREAS, on May 25, 2004, Council approved Resolution No. 2004-271, authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of discing and flail mowing services, for a three (3) year agreement, with two (2) one-year extension options, and

WHEREAS, the Purchasing Supervisor solicited Request for Bid No. 0405-01, for the furnishing of discing and flail mowing services to sixteen (16) companies, posted the bid on the City's web site, and formally advertised as required by law, and

WHEREAS, of the sixteen (16) companies solicited, two (2) companies chose to respond, and

WHEREAS, based on being the lowest responsive bid, City staff recommends the award of Bid No. 0405-01 and contract for the furnishing of discing and flail mowing services, to Joe Scotto Farming, Modesto, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$67,324.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0405-01 and contract for the furnishing of discing and flail mowing services, to Joe Scotto Farming, Modesto, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$67,324.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute said contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST:

  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-490**

**A RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND  
CONTRACT FOR UNIFORMS AND LAUNDRY SERVICES TO PRUDENTIAL  
OVERALL SUPPLY OF FRESNO, CA. FOR AN INITIAL ONE-YEAR PERIOD  
WITH FOUR (4), ADDITIONAL ONE-YEAR, CONTRACT EXTENSIONS FOR  
AN APPROXIMATE ANNUAL AMOUNT OF \$97,605.14**

WHEREAS, the Public Works Department has requested the purchase of uniforms and laundry services, and

WHEREAS, Article 23 of the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) details Dress and Grooming criteria for Non-Sworn City employees, and

WHEREAS, subsection (c) of the article requires employees in the following classifications to wear uniform cap and shirts provided by the City: Storekeeper, Senior Storekeeper, Maintenance Worker I/II, Parks Crew Leader, Maintenance Mechanic-Parks, Equipment Operator, Tree Trimmer, Tree Trimmer Crew Leader, Maintenance Mechanic-Pumps, Equipment Crew Leader, Water Distribution System Operator, WWC System Operator, Electrical Technician I/II, Assistant Electrician, Electrician, Custodian I/II, Civil Engineering Technical I/II/II, and

WHEREAS, the City is also required to provide coveralls, pants, and rain gear for certain employees, dependent upon classification, and

WHEREAS, the City also provides uniforms for certain classifications of Management and Confidential Employees, including Operations and Maintenance Supervisor, Custodial Supervisor, Land Surveyor, Plant Maintenance Supervisor,

Secondary Treatment Facilities Supervisor, Electrical Supervisor, and WQC Operations Supervisor, and

WHEREAS, at its March 22, 2004, meeting the Finance Committee gave unanimous approval to move this request for authorization to issue Request for Proposal (RFP) to full Council for review, and

WHEREAS, Resolution 2004-257 authorized the Purchasing Supervisor to solicit a Request for Proposals for (RFP) for uniforms and laundry services for an initial one-year period with four (4) additional one-year contract extensions for an approximate annual amount of \$97,605.14, and

WHEREAS, staff estimates it will cost approximately \$128,970 in FY 04/05 for uniforms and laundry services, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases exceeding \$50,000 for materials and equipment to be formally bid, and

WHEREAS, the code also states that a purchase whose total maximum cost to the City exceeds \$50,000 shall receive preliminary approval of Council to bid (Modesto Municipal Code (8-3.203 (a)), and

WHEREAS, the Purchasing Division solicited formal proposals for uniforms and laundry services on RFP 0304-07, and

WHEREAS, all five (5) vendors solicited responded to the RFP, and

WHEREAS, proposals received for uniforms and laundry services were evaluated per evaluation criteria as defined in Specification 0304-07, by a committee consisting of City staff from the Public Works Department and the Purchasing Division, and

WHEREAS, based on a total RFP evaluation score, Prudential Overall Supply of Fresno, CA. is the best proposer for uniforms and laundry services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for uniforms and laundry services to Prudential Overall Supply of Fresno, CA. for an initial one-year period, with four (4) additional one-year contract extensions options for an approximate annual cost of \$97,605.14.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

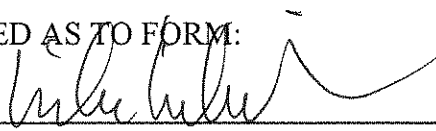
ABSENT: Councilmembers: Dunbar

ATTEST:

  
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-491**

**A RESOLUTION DECLARING ONE (1) VAN PELT FIRE ENGINE AS SURPLUS, AND APPROVING ITS SALE TO THE YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE AT THE REGIONAL FIRE TRAINING CENTER (RFTC).**

WHEREAS, in 1994, the City of Modesto partnered with the Yosemite Community College District and Stanislaus County in the construction and operation of the Regional Fire Training Center (RFTC), and

WHEREAS, the RFTC is equipped through the Fire Science Program at Modesto Junior College, the RFTC partnership funds, and donations, and

WHEREAS, the RFTC maintains two (2) very old fire engines utilized by the Regional Fire Academy, Modesto Fire Explorers and others who rent the facility, and

WHEREAS, the Modesto Fire Department has a 1997 Van Pelt engine that is due to be surplus and sold at auction, and

WHEREAS, the estimated auction value of the engine is approximately \$3,000-\$5,000, minus the associated fees, and

WHEREAS, the Modesto Fire Department would like to sell the 1997 Van Pelt engine to the Yosemite Community College District for \$1.00, and

WHEREAS, by selling the engine to the Yosemite Community College District, the City would benefit by having the engine available for use by the Modesto Fire Department and Fire Explorers, the revenue derived from renting the engine to non-member agencies would offset the City's annual partnership costs, and the engine would be available in case of an emergency, and

WHEREAS, the Safety and Communities Committee reviewed and approved this item at its September 8, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto it hereby declares one 1997 Van Pelt engine as surplus.

BE IT FURTHER RESOLVED that the Council hereby approves the sale of the 1997 Van Pelt engine to the Yosemite Community College District for the sum of \$1.00 for use at the Regional Fire Training Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-492**

**A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO  
SUBMIT THE APPLICATION FOR THE DEPARTMENT OF HOMELAND  
SECURITY, 2004 FIRE PREVENTION AND SAFETY GRANT IN THE  
AMOUNT OF \$85,200.00.**

WHEREAS, the Congress appropriated a total of \$745,125,000 to carry out the activities of the Assistance to Firefighters Grant Program as authorized by the establishment of the Federal Fire Protection and Control Act of 1974. As such, \$27,500,000 of the total appropriated funds support fire prevention and safety grants, and

WHEREAS, the Fire Prevention Bureau is responsible for administration of the fire and life safety programs in the City of Modesto, and

WHEREAS, the funds will be used to purchase a fire safety trailer, provide \$6,000 towards the cost of a tow vehicle, and hire a part-time public education employee to coordinate and help staff the trailer at schools and community events, and

WHEREAS, said adopted procedures established by the City of Modesto require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said application to the state,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:

1. Approves the submission and filing of an application for the Federal Fire Protection and Control Act, Grant Fund for assistance; and

2. Certifies that said agency has matching funds from the following source: Fire Prevention Bureau (1822), and can finance 100 percent of the project, 70% of which will be reimbursed; and
3. Authorizes and appoints the Acting City Manager or his designee, as agent of the City to execute all necessary grant documents, including, but not limited to, the applications, which may be necessary for submission of said grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-493**

**A RESOLUTION APPROVING THE APPLICATION FOR \$1,000,000 IN FUNDING FROM THE STATE URBAN PARKS AND HEALTHY COMMUNITIES PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, FOR THE DEVELOPMENT OF A SOCCER COMPLEX AT MARY E. GROGAN PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND CONTRACT DOCUMENTS.**

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible Applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of State Urban Parks and Healthy Communities Program and the grant Project shown above within the State, setting up necessary procedures, and

WHEREAS, development of the Soccer Complex at Grogan Community Park is consistent with the State Urban Parks and Healthy Communities Program grant project criteria, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:

1. Approves the filing of an Application for \$1,000,000 in local assistance funds from the State Urban Parks and Healthy Communities Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002;
2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project;
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide;
4. Certifies that the Grantee has or will have available, prior to commencement of any work on the project, the required match;
5. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and
6. Appoints the City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-494**

**A RESOLUTION APPROVING A FIVE-YEAR LEASE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND METRO PCS  
CALIFORNIA/FLORIDA, INC., A DELAWARE CORPORATION, D/B/A  
METRO PCS, FOR A CELLULAR TOWER SITE LOCATED ON A PORTION  
OF BEYER COMMUNITY PARK, WITH THREE FIVE-YEAR OPTIONS TO  
EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE LEASE AGREEMENT.**

WHEREAS, Metro PCS California/Florida, Inc., a Delaware corporation, d/b/a Metro PCS, desires to lease a cellular tower site located on a portion of Beyer Community Park for a period of five years, with three five-year options to extend the lease, for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of Beyer Community Park to Metro PCS for said use for the sum of \$1,800.00 per month with a rental increase equal to the Consumer Price Index for the San Francisco/Oakland/San Jose Metropolitan Statistical Area (MSA) at the beginning of each renewal period, and

WHEREAS, Metro PCS will replace an existing ball field light pole that will meet its structural requirements, and

WHEREAS, the new light pole installed by Metro PCS will become the property of the City of Modesto, and

WHEREAS, at its August 26, 2004, meeting, by Resolution No. 2004-19, the Board of Zoning Adjustment approved a conditional use permit, subject to the following conditions:

1. All development shall conform to the plot plan and elevation plans titled "Metro PCS – Beyer," as amended in red, stamped approved by the Board of Zoning Adjustment on August 26, 2004.
2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.

3. The Applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community and Economic Development Department.
4. The developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify or hold City harmless.

and,

WHEREAS, also by Resolution 2004-19, the Board of Zoning Adjustment adopted the findings of Initial Study, Environmental Assessment No. EA/C&ED 2004-42, "Wireless Antenna on Replacement Ball Field Light Pole in Beyer Park", which find and determine:

1. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041).
2. No new or additional mitigation measures or alternatives are required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Five-Year Lease Agreement between the City of Modesto and Metro PCS California/Florida, Inc., a Delaware Corporation, d/b/a/ Metro PCS, for a cellular site located on a portion of Beyer Community Park, with three, five-year options to extend the lease.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Lease Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

APPROVED AS TO FORM:  
By   
MICHAEL D. MILICH  
City Attorney

ATTEST:  
By   
JEAN ZAHR  
City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-495**

**A RESOLUTION APPROVING A FIVE-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND METRO PCS CALIFORNIA/FLORIDA, INC., A DELAWARE CORPORATION, D/B/A METRO PCS, FOR A CELLULAR TOWER SITE LOCATED ON A PORTION OF DAVIS COMMUNITY PARK, WITH THREE FIVE-YEAR OPTIONS TO EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT.**

WHEREAS, Metro PCS California/Florida, Inc., a Delaware corporation, d/b/a Metro PCS, desires to lease a cellular tower site located on a portion of Davis Community Park for a period of five years, with three five-year options to extend the lease, for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of Davis Community Park to Metro PCS for said use for the sum of \$1,800.00 per month with a rental increase equal to the Consumer Price Index for the San Francisco/Oakland/San Jose Metropolitan Statistical Area (MSA) at the beginning of each renewal period, and

WHEREAS, Metro PCS will replace an existing ball field light pole that will meet its structural requirements, and

WHEREAS, the new light pole installed by Metro PCS will become the property of the City of Modesto, and

WHEREAS, at its August 26, 2004, meeting, by Resolution No. 2004-19, the Board of Zoning Adjustment approved a conditional use permit, subject to the following conditions:

1. All development shall conform to the plot plan and elevation plans titled "Metro PCS – Davis," as amended in red, stamped approved by the Board of Zoning Adjustment on August 26, 2004.
2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.

3. The Applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community and Economic Development Department.
4. The developer shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify or hold City harmless.

and,

WHEREAS, also by Resolution 2004-19, the Board of Zoning Adjustment adopted the findings of Initial Study, Environmental Assessment No. EA/C&ED 2004-43, "Wireless Antenna on Replacement Ball Field Light Pole in Davis Park", which find and determine:

1. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041).
2. No new or additional mitigation measures or alternatives are required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Five-Year Lease Agreement between the City of Modesto and Metro PCS California/Florida, Inc., a Delaware Corporation, d/b/a/ Metro PCS, for a cellular site located on a portion of Davis Community Park, with three, five-year options to extend the lease.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Lease Agreement.

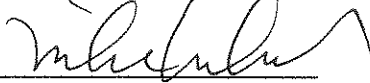
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

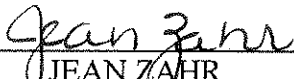
NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH  
City Attorney

ATTEST:

By   
JEAN ZAHR  
City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-496**

**A RESOLUTION AUTHORIZING STAFF TO SOLICIT FORMAL PROPOSALS FOR ASSISTANCE IN UPDATING THE CITY'S FIVE-YEAR CONSOLIDATED PLAN (2005-2010) AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING UPDATE.**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement grantees to adopt a comprehensive, long-term plan for the use of HUD funds; the Five-Year Consolidated Plan analyzes the City's housing and community development needs, with a priority focus on low- and moderate-income individuals, households and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, in addition to the development of a broad policy framework, the Consolidated Plan also addresses how the City will utilize funding from three different entitlement grants to meet those needs: the Community Development Block Grant (CDBG), the HOME Investment Partnership Grant (HOME), and the Emergency Shelter Grant (ESG), and

WHEREAS, HUD requires grantees to conduct an "Analysis of Impediments to Fair Housing" every 5 years; HUD is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities and other discriminatory practices in housing, through the implementation of fair housing actions., and

WHEREAS, the City's current Consolidated Plan was adopted in 2000 and the last Analysis of Impediments to Fair Housing was completed in 1996; both documents are currently due and should be completed before the end of Fiscal Year 2004-2005, and

WHEREAS, due to several staff vacancies, staff is recommending that a portion of the Five-Year Consolidated Plan and the Analysis of Impediments to Fair Housing Update be performed by an outside service provider, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 27, 2004, and supported the recommendation to authorize staff to solicit formal proposals for assistance in updating the City's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit formal proposals for assistance in updating the City's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Milich  
MICHAEL D. MILICH, City Attorney

## CONSULTANTS FOR 2005-2010 CONSOLIDATED PLAN

<p>Michael Brandman Associates 220 Commerce, Suite 200 Irvine, CA 92602-1326 (714) 508-4100 Contact: Erika Bennett</p>	<p>Civic Solutions 31726 Rancho Viejo Rd., Suite 223 San Juan Capistrano, CA 92675 (949) 489-1442 Contact: John Douglas, AICP</p>
<p>Cotton/Bridges/Associates 800 E. Colorado Blvd., Suite 270 Pasadena, CA 91101-2103 (626) 304-0102 Contact: Eileen Donovan</p>	<p>Culbertson, Adams &amp; Associates, Inc. 85 Argonaut, Suite 220 Aliso Viejo, CA 92656-4105 (949) 581-2888 Contact: Kevin Culbertson</p>
<p>EIP Associates 12301 Wilshire, Suite 430 Los Angeles, CA 90025 (310) 268-8132 Contact: Terri Vitar</p>	<p>Godbe Research 60 Stone Pine Road Half Moon Bay, CA 94019 (650) 712-3137, Ext. 11 Contact: Elizabeth Dias</p>
<p>Hogle-Ireland, Inc. 42 Corporate Park, Suite 250 Irvine, CA 92606 (949) 553-1427 Contact: Larry Hogle</p>	<p>Inst. for Urban Research &amp; Development 840 Echo Park Ave Los Angeles, CA 90026 (213) 482-9300 Contact: Joseph Colletti, Exec. Director</p>
<p>Jones &amp; Stokes 17310 Redhill Ave., Suite 320 Irvine, CA 92614 (949) 260-1080 Contact: Gary Rowland</p>	<p>Laurin Associates 8084 Old Auburn Rd., Suite E Citrus Heights, CA 95670 (916) 725-1181 Contact: Barry Polster</p>
<p>Pacific Municipal Consultants 10461 Placerville, Suite 110 Sacramento, CA 95827 (916) 361-8384 Contact: Beth Thompson</p>	<p>The Planning Center 1580 Metro Drive Costa Mesa, CA 92626 (714) 966-9220 Contact: Pam Fahy</p>
<p>RBF Consulting 14725 Alton Parkway Irvine, CA 92618-2027 (949) 472-3505 Contact: Glen Lajoie</p>	<p>Wilbur Smith Associates 2300 E. Katella, Suite 450 Anaheim, CA 92806 (714) 978-8110 Contact: Arno Hart</p>
<p>Templeton Planning Group 1470 Jamboree, Suite 200 Newport Beach, CA 92660 (949) 718-0640 Contact: Peter Templeton</p>	<p>Tri-Source P.O. Box 5681 Huntington Beach, CA 92615 (714) 964-6744 Contact: Barbara Van Dine, President</p>
<p>Ultra Systems Environmental 100 Pacifica, Suite 250 Irvine, CA 92618-7443 (949) 788-4900 Contact: Betsy Lindsay</p>	<p>URS 2020 E. First St., Suite 400 Santa Ana, CA 92707 (714) 835-6886 Contact: Charles Smith, AICP</p>
<p>Zucker Systems 1545 Hotel Circle South, Suite 300 San Diego, CA 92108 1-800-870-6306 Contact: Paul Zucker, President</p>	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-497**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR QUALIFICATIONS FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES AND APPROVE THE PROPOSED EVALUATION CRITERIA.**

WHEREAS, due to a significant amount of design work related to parks in the coming years and the current operating budget challenges that the City of Modesto is facing, Parks Planning and Development staff wishes to streamline the design process for landscape architectural projects, and

WHEREAS, currently, the process involves sending a Request for Qualifications (RFQ) and Request for Proposals (RFP) out and holding interviews for each project that we need to design; this process involves significant staff time and takes about six (6) months to complete, and

WHEREAS, there are many small projects that come up from time-to-time that staff has to design in-house, because the timeline doesn't allow for 6 months to hire a consultant; these small design projects significantly impact the workload of the division and delay other important projects or require staff overtime to complete, and

WHEREAS, City staff wishes to pursue the option of preparing a short-list of landscape architectural consultants to prepare master plans, design development reports, construction documents and other related work, and

WHEREAS, the landscape architectural consultants will be used on an on-call basis as the need arises and the list will be in place for three years, and

WHEREAS, this On-Call list will then be updated every three years, and

WHEREAS, if approved, staff will send out the RFQ to a list of qualified landscape architectural firms, and

WHEREAS, a review team, made up of staff from the Public Works Department and the Parks, Recreation and Neighborhoods Department will review the RFQ's submitted based on their qualifications and demonstrated ability to perform the type of work required as outlined in the RFQ; the review team will then select eight (8) to twelve (12) firms to be interviewed, and

WHEREAS, following the interviews, the review team will recommend to the City Council three (3) to six (6) firms to be placed on the City's "On-Call" list for Landscape Architectural Services, and

WHEREAS, the Safety and Communities Committee met on September 8, 2004, and supported the recommendation to develop an On-Call Short-List for landscape architectural services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to proceed with a Request for Qualifications for On-Call Landscape Architectural Services.

BE IT FURTHER RESOLVED that the proposed evaluation criteria are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-498**

**A RESOLUTION AWARDING A CONTRACT TO CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES TO PREPARE A CONCEPTUAL DESIGN AND CONSTRUCTION DOCUMENTS FOR LANDSCAPE ENHANCEMENTS ON STATE ROUTE 99 WITHIN AND NEAR THE BRIGGSMORE EXPRESSWAY INTERCHANGE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, at the March 13, 2001, City Council Meeting, the Council authorized the City Manager to submit an application and negotiate an agreement for the use of Transportation Enhancement Activities (TEA) funds for a landscape beautification project within and near the Briggsmore / State Route 99 Interchange; also at that time, the City Council committed matching funds of up to \$75,000 for this project from the General Fund, and

WHEREAS, in late March of 2001, the City Manager submitted an application for \$1,000,000 in State TEA funds for this project, and

WHEREAS, the City was notified in fall of 2002 that funding had been identified for this project and Amendment #34 to the Federal Transportation Improvement Program (FTIP) was approved; Amendment #34 identified \$1,000,000 of State TEA funds, \$200,000 of Regional TEA funds and \$100,000 of Caltrans Minor Program funds for the Highway 99 Briggsmore Expressway Landscape Improvements Project, and

WHEREAS, in Fall of 2002, City staff began working with Caltrans District 10 to prepare a cooperative agreement for the funding of the construction of landscape enhancements within and near the Briggsmore / State Route 99 Interchange, and

WHEREAS, the project area included landscape enhancements to the Briggsmore Interchange and along State Route 99 for 0.5 miles to the south and 0.8 miles to the north of the Briggsmore Expressway along the northbound and southbound lanes, and

WHEREAS, the Cooperative Agreement also required the maintenance of the improvements to be paid for by the City of Modesto for three years from the time of completion of construction, and after the initial three years of maintenance, the State of California will take responsibility for maintenance of the improvements indefinitely, and

WHEREAS, on May 3, 2004, the Safety and Communities Committee endorsed approval of the Cooperative Agreement and on May 25, 2004, the Modesto City Council approved it and authorized the City Manager to execute said agreement, and

WHEREAS, Caltrans returned an executed copy of the Cooperative Agreement in June 2004, and

WHEREAS, on May 25, 2004, the City Council also approved the RFP that City staff subsequently sent to Royston Hanamoto Alley and Abey, Callander Associates, and Stantec Consulting, landscape architectural firms which were deemed the most qualified based on their qualification package submitted, and

WHEREAS, Callander Associates Landscape Architecture, Inc. was deemed the most qualified, due to their project experience in local projects of a very similar nature; they have agreed to provide the Master Plan and Construction Documents at a cost not to exceed \$133,500.00, and

WHEREAS, the Safety and Communities Committee met on September 8, 2004, and supported the recommendation to award a contract to Callander Associates Landscape Architecture, Inc. for professional landscape architectural services to prepare a

conceptual design and construction documents for Landscape Enhancements on State Route 99 within and near the Briggsmore Expressway Interchange,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the award of a contract to Callander Associates Landscape Architecture, Inc. for professional landscape architectural services to prepare a conceptual design and construction documents for Landscape Enhancements on State Route 99 within and near the Briggsmore Expressway Interchange at a cost not to exceed \$133,500.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-499**

**A RESOLUTION AUTHORIZING STAFF TO WORK COOPERATIVELY WITH THE MODESTO A'S TO PURSUE NAMING RIGHTS FOR JOHN THURMAN FIELD, DESIGNATING MR. PETER JOHANSEN AS THE PERSON AUTHORIZED TO PURSUE NAMING RIGHTS ON BEHALF OF THE CITY AND THE MODESTO A'S, AND AUTHORIZING CITY STAFF TO NEGOTIATE AN AGREEMENT WITH MR. JOHANSEN.**

WHEREAS, on December 11, 2003, by Resolution No. 2003-648, the City of Modesto entered into a two-year license agreement with the Modesto A's (A's) for use of John Thurman Field, and

WHEREAS, this agreement spells out the responsibilities and privileges of each party, and

WHEREAS, one of the provisions of the agreement is that any efforts to secure naming rights for John Thurman Field will be approved by both parties, and

WHEREAS, both the City and the A's are interested in pursuing securing a company or organization to provide funding in exchange for re-naming the ball field, and

WHEREAS, the Modesto A's have identified Peter Johansen as a party who can secure naming rights for the field, and

WHEREAS, the Economic Development Committee met on September 13, 2004, and supported the recommendation to enter into a cooperative agreement with the Modesto A's to pursue naming rights for John Thurman Field,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to work cooperatively with the Modesto A's to pursue naming rights for John Thurman Field.

BE IT FURTHER RESOLVED that the Council hereby designates Mr. Peter Johansen as the person authorized to pursue naming rights on behalf of the City and the Modesto A's.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff to negotiate an agreement with Mr. Johansen, and return to Council for approval of said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-500**

**A RESOLUTION INCREASING THE .75 PRODUCTION TECHNICIAN  
POSITION AT THE MODESTO CENTRE PLAZA TO FULL-TIME.**

WHEREAS, the responsibility of maintaining the audio visual equipment and lighting systems at the Modesto Centre Plaza, as well as working with clients to meet each of their unique needs, requires the fulltime expertise of the Production Technician (Production Tech), and

WHEREAS, with an increase in hours of the Production Tech, the quality of service at the Centre Plaza will not only be enhanced, but the revenue gain from professional services will increase, and

WHEREAS, the Centre Plaza will be replacing its lighting system this fiscal year with a state of the art system, which will require the expertise of the Production Tech on a fulltime basis, and

WHEREAS, the Centre Plaza has recently introduced a theatrical lighting package marketing campaign to sell enhanced lighting at events held at the Centre Plaza, and an increase in hours by the Production Tech will allow more time for him to market sound and light ideas with clients, and thus increase revenues, and

WHEREAS, the position is currently budgeted in Organization 3414, and

WHEREAS, funding for the increase will be off-set by additional revenue from additional professional services and through a reduction in part-time Sound and Lighting Technician hours, and

WHEREAS, the position is currently filled, and

WHEREAS, the Safety and Communities Committee met on September 8, 2004, and supported the recommendation to increase the Production Technician position to full-time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves increasing the .75 Production Technician position at the Modesto Centre Plaza to full-time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 501**

**A RESOLUTION ACCEPTING A GRANT ENTITLED “SURVIVE THE NIGHT”  
FROM THE STATE OFFICE OF TRAFFIC SAFETY FOR INCREASING DUI  
ENFORCEMENT, EDUCATION AND DECREASING DUI INVOLVED  
COLLISIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
THE NECESSARY GRANT DOCUMENTS**

WHEREAS, the Modesto Police Department has made application to the State Office of Traffic Safety for a DUI and traffic safety program to reduce alcohol involved collisions, their injuries and fatalities, in the City of Modesto, by conducting DUI checkpoints, intensive saturation DUI patrols, increasing DUI arrests, targeting of multiple-DUI offenders, training, and providing community public information and education by adding two new City of Modesto DUI Traffic Officers to the City of Modesto Police Department Traffic Unit.

WHEREAS, these officers will conduct DUI checkpoints, saturation patrols, stakeouts, court sting operations, warrant service operations targeting multiple DUI offenders who fail to appear in court and violate probation, in addition to providing special community outreach for training, education and public information, and

WHEREAS, the officers will also conduct “Every 15 Minutes” and high school assembly programs. Alcohol involved collisions, their injuries and fatalities are projected to decrease from 20 to 40 percent, and

WHEREAS, the City of Modesto’s most pressing traffic collision problems are:

Fatal and injury collisions  
Nighttime collisions and,  
Had-been drinking drivers, ages 21 – 34, and

WHEREAS, speed related collisions and alcohol-involved collisions are also of great concern, and

WHEREAS, there was a ten percent increase in collisions in 2002, as compared to 2000; speed related collisions increased seven percent in 2002, as compared to 2000; in 2003, DUI arrests increased 82 percent but DUI involved collisions decreased only three percent.

WHEREAS, the monies provided in this grant will provide for two new traffic officers to work, full time on this program, and

WHEREAS, there is no required City match for this program for this fiscal year and all costs are paid for by funds from the State, and

WHEREAS, the City match for this program will be \$87,177 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant). The City's required match is as follows, by City fiscal year:

2004/05	No costs for the grant program
2005/06	\$65,383
2006/07	\$21,794, and

WHEREAS, at its meeting of September 8, 2004 the Safety and Communities Committee unanimously recommended acceptance of this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the "Survive the Night" grant in the amount of \$263,510 from the State Office of Traffic Safety, and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized, to execute the grant contract with OTS, including any extentions or amendments thereof and any subsequent contract with the State in relation thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 502**

**A RESOLUTION AMENDING THE 2004/2005 ANNUAL BUDGET TO  
ESTIMATE REVENUE AND APPROPRIATE FUNDS FOR THE TRAFFIC  
SAFETY PROGRAM – “SURVIVE THE NIGHT” – MODESTO’S DUI AND  
TRAFFIC ENFORCEMENT GRANT PROGRAM**

WHEREAS, the Modesto Police Department has made application to the State Office of Traffic Safety for a DUI and traffic safety program to reduce alcohol involved collisions, their injuries and fatalities, in the City of Modesto, by conducting DUI checkpoints, intensive saturation DUI patrols, increasing DUI arrests, targeting of multiple-DUI offenders, training, and providing community public information and education by adding two new City of Modesto DUI Traffic Officers to the City of Modesto Police Department Traffic Unit, and

WHEREAS, acceptance of the grant will provide for two new traffic officers to work full time on this program, and

WHEREAS, the project cost is \$350,687 for the 24 months of the project’s duration from October 1, 2004 to September 30, 2006 and,

WHEREAS, the State Office of Traffic Safety will fund \$263,51 for the 24 month project and the City of Modesto must match \$87,177 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant project), and

WHEREAS, the City’s required match is as follows, by City fiscal year:

2004/05	No costs for the grant program
2005/06	\$65,383
2006/07	\$21,794, and

WHEREAS, at its meeting of September 8, 2004, the Safety and Communities Committee unanimously recommended acceptance of this grant program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/2005 Annual Budget is hereby amended to recognize additional revenue of \$130,451 to State Grant Revenue, 0410-190-2967-3490 and that budget accounts be amended as follows:

0410-190-2967-0110	Salaries	\$86,825
0410-190-2967-188	Benefits	33,862
0410-190-2967-0130	Overtime	7,514
0410-190-2967-0207	Conference	1,200
0410-190-2967-0207	Printing	1,050
Total		\$130,451

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -503**

**A RESOLUTION AUTHORIZING THE PURCHASE OF THIRTEEN TOTAL USED VEHICLES AT AUCTION- FOUR POLICE SEDANS FOR POLICE PERSONNEL ASSIGNED TO THE GANG INTELLIGENCE TASK FORCE AND FOR POOLING IN THE INVESTIGATIVE SERVICE DIVISION AND NINE COMPACT CARS FOR AREA OFFICE PERSONNEL, VOLUNTEERS, POLICE ASSISTANTS, POLICE CLERK SUPERVISORS, AN ADMINISTRATIVE ANALYST AND THE POLICE FACILITIES COORDINATOR FOR A TOTAL ESTIMATED COST OF \$152,000**

WHEREAS, the Police Department is in need of four new police sedans, three for the Sergeant and two investigators in the newly formed Gang Intelligence Task Force and one for the Investigative Services Division for service as a pooled vehicle among a Detective Trainee, a special investigator and the CSO in the Pawn Detail, and

WHEREAS, the Police Department currently does not have vehicles for the personnel in these special assignments, and

WHEREAS, the Police Department is also in need of nine compact cars to replace eight held-over police patrol vehicles and a pick-up truck for area office personnel, volunteers, police assistants, police clerk supervisors, an administrative analyst and the police facilities coordinator, and

WHEREAS, these Police personnel currently utilize eight held-over police patrol vehicles and a pick-up truck that have a cost of \$300 per month in vehicle maintenance, and

WHEREAS, both the maintenance and replacement costs for these compact cars will be \$300 per month, and

WHEREAS, the Fleet Services Fund has available \$152,000 for this purchase due to police vehicle maintenance savings in that fund, and

WHEREAS, the Finance Department will make the purchase of these vehicles according to all established City of Modesto purchasing dictates at auction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of four police sedans at auction and nine compact cars at an estimated cost not to exceed \$152,000.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-504**

**A RESOLUTION AMENDING THE FISCALYEAR 2004/05 BUDGET TO  
TRANSFER FUNDS FROM FLEET SERVICE REPLACEMENT TO  
ADDITIONAL POLICE VEHICLES FOR THE PURCHASE OF FOUR POLICE  
SEDANS AND NINE REPLACEMENT COMPACT CARS**

WHEREAS, the Police Department is in need of four new police sedans, three for the Sergeant and two investigators in the newly formed Gang Intelligence Task Force and one for the Investigative Services Division for service as a pooled vehicle among a Detective Trainee, a special investigator and the CSO in the Pawn Detail, and

WHEREAS, the Police Department is in need of nine compact cars to replace eight held-over police patrol vehicles and a pick-up truck for area office personnel, volunteers, police assistants, police clerk supervisors, an administrative analyst and the police facilities coordinator, and

WHEREAS, the Fleet Services Fund has available \$152,000 for these purchases due to police vehicle maintenance savings in that fund, and

WHEREAS, the Finance Department will make these vehicle purchases according to all established City of Modesto purchasing dictates at auction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/05 Annual Budget is hereby amended as indicated below:

Appropriate:

To: 7210-480-5814-XXXX      \$152,000      Additional Police Vehicles

Revenue:

From: 7210-800-8000-8003      \$152,000      Fleet Service Replacement

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-505**

**A RESOLUTION APPROVING A POSITION ALLOCATION CHANGE IN THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2004-2005 TO INCLUDE ONE LIMITED-TERM SENIOR CIVIL ENGINEER FOR A PERIOD NOT TO EXCEED THREE YEARS.**

WHEREAS, the City has made a commitment to Kaiser Permanente to expedite permit and other approvals necessary to build a new facility in Modesto, and

WHEREAS, to fulfill that commitment will require the dedicated resources of one full-time staff person, and

WHEREAS, present staffing and workload levels do not permit existing staff to devote sufficient attention to this project, and

WHEREAS, by an agenda report dated September 17, 2004, City staff sets forth the need for this position allocation change, and

WHEREAS, the Finance Committee will consider this item at its September 27, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that the following position change is hereby approved in the Public Works Department: Addition of one (1) limited-term Senior Civil Engineer in the Development Services Division (organization 4213) for a period not to exceed three years.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary position changes in coordination with the Personnel Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 28<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-506**

**A RESOLUTION APPROVING THE REVISED MASTER PLAN, COST ESTIMATE AND PROJECT SCHEDULE FOR THE NEIGHBORHOOD CENTER AT MARSHALL PARK PROJECT AND APPROVING AN AMENDMENT TO THE ARCHITECTURAL SERVICE CONTRACT WITH WLC ARCHITECTS TO INCREASE THE FEE FROM \$243,840 TO \$261,040, WITH AN ADDITIONAL \$5,000 CONTINGENCY.**

WHEREAS, three City departments desire to develop a joint service facility at the southwest corner of Sutter and Chicago Avenues, on the existing Marshall Park site, and

WHEREAS, WLC Architects of Folsom, California was selected to provide architectural services for the project and a professional services agreement was approved by the City Council on March 6, 2002; the architectural services agreement included a fee of \$197,500 and included construction management for phase I, fire station only, and

WHEREAS, the Master Plan, Design Development Report, Environmental Document and an Amendment to the architectural services contract with WLC Architects (for additional construction management and civil engineering) were approved by Council on March 23, 2004, and

WHEREAS, the approved Master Plan shows an 8,500 square foot fire station, which includes an extra third parking bay for the Police mobile command unit, and a 4,075 square foot police and recreation office, and

WHEREAS, the total budget for the project in March 2004, was \$3,344,500 and included the (amended) architect's fee of \$243,840, as well as staff administrative costs, construction inspection and contingencies, and

\*

WHEREAS, the majority of the project funding was to be accomplished via HUD Section 108 Loan Funds, with a \$166,000 contribution from a CDBG Jobs Housing Balance Grant, and

WHEREAS, since March 2004, the construction estimate has risen from approximately \$210 per square foot to approximately \$320 per square foot, due in most part to significant spikes in materials costs, and

WHEREAS, due to unanticipated dramatic cost increases within the building industry for materials and labor, staff has requested that the architect reduce the size and complexity of the proposed joint services facility, with savings anticipated to be approximately \$630,000, and

WHEREAS, the revised Master Plan shows a 7,750 square foot fire station and a 3,452 square foot police and recreation office, and

WHEREAS, in order to complete the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project, an amendment to the architectural service contract with WLC Architects to increase the fee from \$243,840 to \$261,040, with an additional \$5,000 contingency is necessary, and

WHEREAS, the Safety and Communities Committee met on September 8, 2004, and supported the recommendation to approve the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project and approve an amendment to the architectural service contract with WLC Architects to increase the fee from \$243,840 to \$261,040, with an additional \$5,000 contingency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the revised Master Plan, Cost Estimate and Project

Schedule for the Neighborhood Center at Marshall Park project and approves an amendment to the architectural service contract with WLC Architects to increase the fee from \$243,840 to \$261,040, with an additional \$5,000 contingency.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-507**

**A RESOLUTION DENYING THE APPEAL OF MICHAEL AND MICHELLE MAHER TO A PLANNING COMMISSION DECISION APPROVING THE JOHNSTON ESTATES VESTING TENTATIVE SUBDIVISION MAP**

WHEREAS, Modesto Municipal Code Section 4-4.404 authorizes the Planning Commission to take action on proposed subdivision maps, and

WHEREAS, on June 2, 2004, Richard W. Johnston and Randy S. Johnston submitted an application for a vesting tentative subdivision map entitled Johnston Estates, and

WHEREAS, the Planning Commission considered the application at its regularly scheduled meeting on August 16, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission approved the vesting tentative subdivision map entitled Johnston Estates, because the proposed subdivision map, together with the provisions for design and improvements, was deemed consistent with the Modesto Urban Area General Plan, the City of Modesto Municipal Code and State of California Subdivision Map Act, and

WHEREAS, an appeal to the Planning Commission's approval of the Johnston Estates vesting tentative subdivision map was filed with the Office of the City Clerk by Michael and Michelle Maher, on August 31, 2004, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at 5:30 p.m. on September 28, 2004, at which

time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that said appeal to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the following reason:

The proposed vesting tentative subdivision map entitled Johnston Estates, together with the provisions for its design and improvements, is consistent with the Modesto Urban Area General Plan, the City of Modesto Municipal Code, and the State of California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Michael and Michelle Maher to the decision of the Planning Commission approving the Johnston Estates vesting tentative subdivision map is denied and the decision of the Planning Commission is hereby affirmed for the reason set forth in Planning Commission Resolution No. 2004-44 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-508**

**A RESOLUTION APPROVING A PUBLIC IMPROVEMENT AGREEMENT  
BETWEEN THE CITY OF MODESTO AND FLYING RHINO DEVELOPMENT  
AND THE FRUITYARD, INC. REGARDING PROPOSED DEVELOPMENT AT  
THE NORTHWEST CORNER OF CARPENTER ROAD AND PARADISE ROAD  
AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE  
AGREEMENT.**

WHEREAS, Flying Rhino Development and The Fruityard, Inc. (“Applicants”) desire to develop a commercial project at the intersection of Carpenter Road and Paradise Road, property which currently is within the County of Stanislaus and within the City of Modesto’s Sphere of Influence, and

WHEREAS, the Stanislaus County General Plan provides that development applications within the City’s Sphere of Influence be referred to the City, and

WHEREAS, the Applicants have requested that the City provide support for the proposed project to the County in its consideration of the project, and

WHEREAS, on September 13, 2004, the Economic Development Committee of the City Council met and considered a Public Improvement Agreement as a mechanism to provide for the project to be developed consistent with City policies and standards, and recommended this item be forwarded to the full Council for approval, and

WHEREAS, after discussion the Council determined that the Public Improvement Agreement will provide for the project to be developed consistent with City policies and standards,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Improvement Agreement is hereby approved.

BE IT FURTHER RESOLVED that the Acting City Manager or his designee, is hereby authorized to execute said Agreement upon satisfaction of the required provisions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of September, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM.

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-509**

**A RESOLUTION APPROVING THE CITY CLERK AND AUDITOR'S STATUS  
REPORT ON THE 2003-04 AUDIT PLAN AND ADOPTING THE PROPOSED  
2004-05 AUDIT PLAN.**

WHEREAS, the City of Modesto Municipal Code, Section 2-3.302, describes the purposes and functions of the Office of the City Clerk and Auditor, and

WHEREAS, said section of the Municipal Code directs that certain performance audits, special audits and investigations, and, financial related audits be performed upon assignment of the City Council, after recommendation by the Audit Committee, and

WHEREAS, the Audit Committee received the status report on the 2003-04 Audit Plan and the proposed 2004-05 Audit Plan on September 27, 2004, and recommended that the Council approve the status report on the 2003-04 Audit Plan, and adopt the proposed 2004-05 Audit Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City Clerk and Auditor's status report on the 2003-04 Audit Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the proposed 2004-05 Audit Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-510**

**A RESOLUTION ADOPTING THE CITY OF MODESTO SPECIFIC PLAN  
PROCEDURES AND PREPARATION GUIDE**

WHEREAS, the Modesto Urban Area General Plan (Section III.D.1.e) mandates the development of new growth areas within a Comprehensive Planning District (CPD) to occur through adoption of a comprehensive plan which is interpreted to mean a specific plan in accordance with Section 65450 of the Government Code, and

WHEREAS, specific plans also may serve to guide the development of infill and redevelopment areas within the City's Baseline Developed Area and the Redevelopment Area, and

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan for all or part of the area covered by the General Plan, and

WHEREAS, a specific plan is a comprehensive planning document setting forth broad policy concepts as well as detailed direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure, and the resources used to finance public improvements to the design guidelines of a subdivision and other development projects, and

WHEREAS a Specific Plan Procedures and Preparation Guide was prepared to outline and discuss procedures for the initiation, preparation, review and implementation of specific plans within the City of Modesto, and

WHEREAS, on August 2, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, the Planning Commission recommended by its Resolution No. 2004-41, that the City Council adopt the City of Modesto Specific Plan Procedures and Preparation Guide, and

WHEREAS, on September 13, 2004, the Economic Development Committee of the City Council met to discuss the Specific Plan Procedures and Preparation Guide and referred the matter to the City Council for review and consideration, and

WHEREAS, on October 5, 2004, the City Council considered the City of Modesto Specific Plan Procedures and Preparation Guide, and

WHEREAS, the Specific Plan Procedures and Preparation guide is “not a project” in accordance with Section 15378(b)(2) of CEQA Guidelines/Section 21084 of the Public Resources Code, and no new environmental review is required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. The proposed Specific Plan Procedures and Preparation Guide is consistent with the General Plan, because it provides clear direction to those involved in specific plan preparation for proper implementation of State law and the Modesto Urban Area General Plan.
2. The Specific Plan Procedures and Preparation Guide is “not a project” in accordance with Section 15378(b)(2) of CEQA Guidelines/Section 21084 of the Public Resources Code, and therefore, no new environmental review is required.

BE IT FURTHER RESOLVED by the Council of the City of Modesto they hereby adopt the City of Modesto Specific Plan Procedures and Preparation Guide as described in Exhibit "A," attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

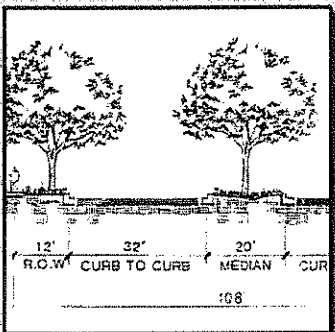
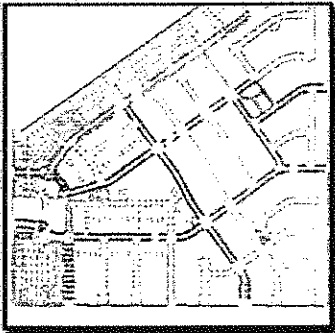
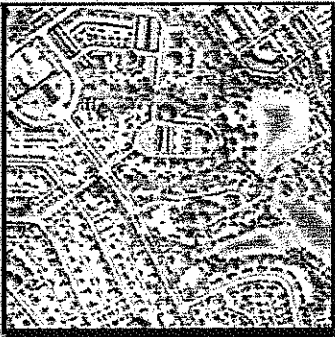
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

**SPECIFIC PLAN PROCEDURES AND PREPARATION GUIDE**

# City of Modesto

## Specific Plan Procedures and Preparation Guide



City of Modesto  
Community & Economic Development  
Planning Division  
July 22, 2004

## **Specific Plan Procedures and Preparation Guide**

### **Table of Contents**

<b>Part I</b>	
<b>Specific Plan Procedures</b>	<b>2</b>
1. Initial Consultation	2
2. Pre-Application Meeting	2
3. Submittal of Administrative Draft Specific Plan	3
4. Review of Administrative Draft Specific Plan	3
5. EIR – CEQA Environmental Review	4
6. Selection of Environmental Consultant	4
7. Initial Study/Notice of Preparation (IS/NOP)	5
8. Submittal of the Draft Specific Plan and Technical Studies	5
9. Draft EIR	5
10. Public Review Specific Plan Document	6
11. Final EIR, Mitigation Monitoring Plan and Findings for Certification	6
12. Final Draft Specific Plan Document	6
13. Planning Commission Hearing	7
14. City Council Hearing	7
15. Notice of Determination (NOD)	7
16. Specific Plan Implementation	7
17. Specific Plan Administration	8
18. Finance Plan	8

19.	Facilities Master Plan	9
20.	CFD Formation	9
21.	Annexation – LAFCO Process	9
22.	Development Applications – Final Maps/Building Permits	10

**Part II**  
**Specific Plan Preparation** 10

1.	Form and Content	11
	Introductory Section	11
	Summary (Chapter I)	11
	Introduction (Chapter II)	12
	Specific Plan Elements (Chapter III)	13
	Development Standards (Chapter IV)	16
	Design Guidelines (Chapter V)	17
	Community Services and Utilities (Chapter VI)	18
	Parks and Recreation (Chapter VII)	19
	Environmental Resources (Chapter VIII)	19
	Implementation (Chapter IX)	19
	Plan Administration (Chapter X)	20
	Appendices	21
2.	Environmental Review of Plan Area Development Projects	22
	Specific Plan EIR	22

**Part III**  
**Implementation Measures and Documents** 23

Appendix – Detailed Facilities Master Plan Requirements	26
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**DRAFT**  
**July 22, 2004**

**CITY OF MODESTO**

Community & Economic Development Dept.  
Planning Division  
1010 Tenth Street, Suite 3300  
Modesto, CA 95354

***Specific Plan Procedures and  
Preparation Guide***

**Purpose:**

The purpose of the Specific Plan Procedures & Preparation Guide is to outline and discuss procedures for the initiation, preparation, review and implementation of specific plans within the City of Modesto. This procedures and preparation guide consists of three parts:

- Part I describes the review process and anticipated timeline for specific plans from submittal to approval.
- Part II describes the form and content and organization of a specific plan for submittal purposes.
- Part III describes measures and documents required to facilitate development of the specific plan.

**Background:**

The specific plan process enacted by state law (California Government Code 65450 et seq.) provides a powerful tool to comprehensively plan for the implementation of a jurisdiction's General Plan. Modesto's General Plan mandates the development of new growth areas through adoption of a "comprehensive plan" which is usually interpreted to mean a Specific Plan in accordance with Section 65450 of the Government Code. The specific plan also provides a powerful tool for planning the development of infill and redevelopment areas.

**Intent:**

The specific plan is a major planning document used to guide development policy in the City of Modesto. It is the intent of the City that specific plans be utilized to implement the goals and policies of the General Plan and that the specific plan process not be used to circumvent the general plan process by creation of policies and standards that do not achieve general plan goals.

The preparation of specific plans will be a collaborative effort on the part of the project applicant and the City. Input shall also be obtained through the public process from community members and property owners and responsible agencies. Based on this input, the City and project applicant should strive to create a plan that conforms to community-wide planning goals. A sense of partnership exists because while the applicant may prepare the document, the City must eventually administer it.

Specific Plans are the primary planning document for development of the General Plan and are typically prepared in conjunction with other related entitlements required for development. The attached Specific Plan Process flow diagram also shows the related entitlement documents required to facilitate development of a Specific Plan and their basic relationship to the process.

## **PART I**

### **SPECIFIC PLAN PROCEDURES**

The following outlines key steps of the review process for a Specific Plan:

#### **1. Initial Consultation**

Project initiation - as part of briefing the applicant on the City's overall entitlement process, the first step is to communicate the purpose of preparing a specific plan, then define the proposed project, outline the potential issues and concerns to be addressed in the specific plan and describe the required components of the Specific Plan (Part II of this guide). The process begins with a review of the general plan context and identification of the issues that are relevant to the specific plan area as well as opportunities to achieve General Plan goals. This meeting sets the stage for preparation of the concept land plan and step 2. The initial consultation should cover the following items:

- Define relevant General Plan policies/standards
- Define the project area
- Define project goals
- Identify reasons for preparing the specific plan
- Identify issues of local concern, e.g. infrastructure/services availability, land use or traffic.
- Define project opportunities and constraints
- Describe the CEQA environmental review process and consultant selection
- Property owner representative participation
  - Potential work program (rough timelines, responsibilities of staff/consultants/applicant)
  - List of generalized processing fees/costs
  - Determine who prepares the specific plan (consultant hired by applicant or City)

#### **2. Pre-Application Meeting**

A pre-application meeting is required to ensure the components outlined in Government Code Section 65451 and the topics outlined in the Specific Plan Model Format contained in Section II of the Guide, are included in the Draft Specific Plan Document. It is also to inform the applicant of any special concerns to be addressed by the plan pursuant to Government Code Section 65452. Important infrastructure, environmental or other issues to be addressed by the Plan should be defined, as special studies may be needed. The meeting also should result in a draft work schedule that includes deadlines that are applicable to all parties. The consulting firms, including special studies should be identified at this step (see EIR section for consultant selection process).

A fee determined by the Community & Economic Development Director, will be charged to provide for staff time with the pre application process. The pre-application meeting should cover the following items:

**Minimum Requirements:**

- Draft Land Plan/Concept Plan designating land use by area
- Land use table describing development intensities, unit count
- Preliminary infrastructure concept plan
- List of property owners supporting proposal
- Proposed method of financing infrastructure
- Outline of Draft Specific Plan (Table of Contents per Part II of guide)
- Identify Special Studies needed
- Outline CEQA Review issues, and the process (EIR etc.)
- Defined work program (timelines, staff/consultant/applicant/public process)
- Consultant(s) determined
- List of fees/costs

**3. Submittal of Administrative Draft Specific Plan**

The specific plan review process will commence upon submittal of a complete specific plan and related studies, applications (i.e. Uniform Application, Specific Plan Checklist & Notice of Intent/Environmental Assessment), and required fees. The following outlines submittal requirements and related process:

- Submittal of Uniform Application & Notice of Intent Environmental Application
- Specific Plan Application is checked by C&ED Staff for completeness
- Plan must meet Requirements of Section 65450 of State Law, and Specific Plan Guidelines (see Part II of this Guide), and General Plan Goals and Policies.
- Include additional submittals or special studies
- Submit required Fees

**4. Review of Administrative Draft Specific Plan**

The purpose of this process is to give staff the opportunity to comment on the text and diagrams before the document is finalized into a draft to be circulated for public review and comment. This process is important in identifying any staff concerns as early as possible. The document may be incomplete but text and diagrams should be very close to a final draft form.

- Review of Draft Specific Plan by appropriate City Departments
- Review of Draft Specific Plan by appropriate agencies/parties
- Staff prepares comment letter(s) notifying applicant/consultant of all required revisions

## **5. EIR - CEQA Environmental Review**

Adoption of a Specific Plan or its Amendment is a project subject to the California Environmental Quality Act (CEQA). Under most circumstances, a specific plan will require an Environmental Impact Report (EIR). Revisions to Specific Plans, which are also projects under CEQA, may warrant consideration of a Supplemental or Subsequent EIR, tiered EIR or Mitigated Negative Declaration.

The environmental review for the Specific Plan is prepared and adopted concurrently with the Specific Plan. This provides opportunity for revisions to the Specific Plan to lessen any identified impacts and to incorporate identified mitigation measures. Upon completion of a draft specific plan, and technical studies, preparation of the environmental documentation may proceed, and will commence upon formal submittal of the draft specific plan and final technical studies to the City along with payment of the related fees. This is important because, before meaningful work on the EIR can begin, the major components of the Draft Specific Plan must be solidified so that a coherent project description that will not significantly change can be created to base the analysis on. Alternatives analysis can be used via the CEQA process to sort out desirable project options that represent variations of the project that could feasibly occur.

The EIR process is integrated with the Specific Plan process and consists of the following components:

- Consultant Selection
- Initial Study/Notice of Preparation (NOP)
- Draft EIR/special studies
- Final EIR/Mitigation Monitoring Plan/Findings for Adoption
- Certification
- Notice of Determination (NOD)

## **6. Selection of Environmental Consultant**

Consultant selection should begin once the deposit is received. The City of Modesto is responsible for selecting the consultant to prepare the EIR (the applicant may select a consultant of their choosing to prepare the specific plan, or allow the City to select and manage the specific plan consultant). The consultant is selected by the City from a list of pre-qualified firms. Once the selection process is complete, the applicant is notified of the selected firm. The prime consultant may also select sub-consultants to prepare needed special studies.

The Contract between the City of Modesto and consultant known as a "Standard Agreement for Consultant Services" must be forwarded to the City Attorney's office for review and approval as to form and content. Execution of the contract may require approval by the City Council. Current City Council policy authorizes the City Manager to execute an agreement with a third party consultant for an amount not to exceed \$50,000. Contracts in excess of that amount require City Council approval. Prior to contract approval, the City must receive the applicant's authorization to proceed, including the funds to cover the cost of preparing the EIR. Following City Council

approval, the contract is signed by all applicable parties, including the City Manager, City Clerk, City Attorney, and chosen consultant. At that point, the consultant is then authorized to proceed with preparation of the EIR.

**7. Initial Study/Notice of Preparation (IS/NOP)**

Based on the administrative draft specific plan documents that provide sufficient detail for a complete project description pursuant to CEQA, the Initial Study(IS)/Notice of Preparation (NOP) is prepared. The scope of analysis, including special studies needed, to be contained in the EIR is determined by evaluating information provided by the applicant along with comments received from agencies that commented on the IS/NOP. The IS/NOP is circulated for a 30-day period. The Initial Study/NOP solicits input from Responsible and trustee agencies and/or interested parties regarding the potential environmental effects of the project. Document distribution is selected from a Master Distribution list maintained by the Community & Economic Development Department. The agencies will submit written comments on various aspects of the project that they think need analysis in the EIR.

**8. Submittal of the Draft Specific Plan and Technical Studies**

After staff reviews the preliminary administrative draft(s) specific plan and technical studies, documents will be revised to final draft form and submitted to the City for formal review. The specific plan text and diagrams should be in a finished state and packaged as one complete document. The applicant will submit these final documents along with a written "request to initiate staff review." The Community & Economic Development Department staff will have 30 days to deem the documents complete or identify additional analysis/information that is necessary and refer the documents back to the applicant.

**9. Draft EIR**

Preparation of the Draft EIR begins upon completion of a final draft specific plan and its related technical studies. Existing conditions inventory and site analysis information will have been well documented in the early stages of the specific plan process, due to the coordination between the applicant and City staff.

There is coordination between specific plan development and environmental analysis in the EIR. The development concepts contained in the specific plan shall consider and incorporate the environmental data generated in technical studies and guide formulation of the plan. The specific plan should be "self-mitigating" to the extent possible. The environmental document will focus on significant and unavoidable impacts and provide a "Master" document that will allow for subsequent consideration of development proposals within the framework of the specific plan, these procedures and the CEQA Guidelines.

Once the draft environmental document is completed by staff, the environmental document and draft specific plan will be circulated for public review and comment as provided by the CEQA Guidelines. The Environmental Document must be circulated to all Responsible Agencies and interested parties, and the specific plan must also be made

available for review. A public hearing shall be held by the Planning Commission to receive comments on the Draft EIR. This hearing may be combined with other public hearings on the draft specific plan as required.

While the City is responsible for preparation of the environmental document, the applicant shall be responsible for all costs associated with preparation of the environmental document and shall pay an estimated fee prior to its preparation.

#### **10. Public Review Specific Plan Document**

Referral and public review of a draft specific plan document is set forth under Government Code Section 65352, and is the same as required for adoption of General Plans.

- 45-day review to State Office of Planning & Research (OPR), Responsible & Trustee Agencies and Interested Parties.
- The distribution of this document parallels and accompanies the Public Review Draft EIR
- The transmittal letter for both documents outlines issues of importance that the City desires input on

#### **11. Final EIR, Mitigation Monitoring Plan and Findings for Certification**

A Final EIR document is prepared that contains public review comments received, a response to those comments, and all attached documentation including the Draft document, any special studies, and the original Initial Study. The public review comments will be forwarded to the Community & Economic Development Department to prepare a Response to Comments and a Final Environmental Impact Report. Depending on the range and number of comments, the City will require staff time to prepare a response prior to a hearing by the City Council. If any significant issues are raised by comments received, additional analysis or information may be requested of the applicant. A Mitigation Monitoring and Reporting plan must accompany the EIR. The Findings for adoption/certification are important and should be prepared in advance of the public hearings and reviewed by the City Attorney.

#### **12. Final Draft Specific Plan Document**

Revisions are made to the Specific Plan in response to input from City Departments & agency review comments on the public review document. The final plan incorporates information collected from public review of both the Specific Plan and EIR, mitigation measures resulting from the EIR and related special studies in the form of revised or new policies, standards or alternatives.

**13. Planning Commission Hearing**

The Final EIR and Specific Plan are considered by the Planning Commission. Regular noticing requirements of both the Planning Commission hearing and the City Council hearing must be met. Planning Commission revisions to the specific plan may require revisions to and recirculation of the environmental document. The Commission's recommendation will be forwarded to the City Council; in the event of recommendation for denial, the specific plan will be forwarded (to the City Council) and an appeal will not be necessary. After the recommendation of the Planning Commission has been made, a public hearing will be scheduled with the City Council. A final environmental document shall be prepared. The City Council may then approve or deny the proposed project. Several meetings may be required by the Commission or City Council to solicit comments, evaluate the project and make a final determination.

**14. City Council Hearing**

Adoption of a Specific Plan is governed by the same laws and procedures set forth in the Government Code for General Plans (Section 65453). The Final EIR and Specific Plan along with any revisions resulting from Planning Commission review are considered by the Council. If approval is granted, the specific plan will normally be adopted by resolution. Adoption by resolution rather than ordinance facilitates subsequent amendment to the plan. In approving the Specific Plan, the Council would also consider certification of the environmental document/EIR along with the Specific Plan. Adoption of the related entitlement documents: Finance Plan, Facilities Master Plan, CFD Formation and initiation of Annexation would typically follow shortly after Specific Plan adoption as separate actions.

**15. Notice of Determination (NOD)**

Once the final EIR is certified by the City Council, a Notice of Determination document needs to be filed with the County Clerk Recorder as well as the State Clearinghouse.

**16. Specific Plan Implementation**

Pursuant to Government Code Section 65451 (a) (4), the Specific Plan will contain a program of implementation measures including references to all the applicable municipal regulations and codes. This program will typically identify the capital infrastructure projects needed for development of the plan, costs and method of financing. In addition, the subsequent development entitlements necessary for implementation are identified and basic information regarding cost components is included in the Specific Plan. Any development review process that is set forth in the plan for subsequent staff review and approvals would be implemented at this time.

## **17. Specific Plan Administration**

This includes the processing of subsequent amendments to the plan as well as minor technical revisions. Amendments to the Plan will require public hearings by the Planning Commission and City Council. An administrative staff procedure may be included in the plan for revisions to subsequent development entitlements from the Plan such as plot plans and subdivision maps as long as conformance with the plan can be determined (see Part II of the guide).

Each specific plan shall specify the revision procedures and define what types of modifications qualify as a revision. The approval of the Community & Economic Development Director will be required in order to incorporate requested revisions of a specific plan. Revisions may consist of such items as typographical errors, measurement errors or boundary adjustments as allowed by the specific plan. Revisions should comply with the requirements and intent of the specific plan and shall not change the basic configuration or intent of the Plan. **(Note: "substantial" Revisions Per State Law triggers a Specific Plan Amendment).**

For large projects developed over many years, it is difficult to predict with complete accuracy how the market or other conditions may change. Many specific plans build in some flexibility to account for change. An example might be to allow some minor shifts of planning area boundaries or a shift in density from one planning area to another, such as a 10% shift in the number of permitted units, provided the total density for the project does not change.

The specific plan shall specify what types of modifications qualify as an amendment. A specific plan adopted by resolution should be amended by resolution.

## **RELATED ENTITLEMENTS REQUIRED FOR DEVELOPMENT**

The City has found that in order to adequately prepare for the implementation of a Specific Plan pursuant to Government Code Section 65450, several companion documents are required to be adopted along with the Specific Plan, or immediately afterwards, before construction can proceed. Typically, the documents listed below are required. These entitlements must be in place before final discretionary or ministerial approvals by the City (i.e. Tentative Map, Final Map and Building Permit) can be received to allow actual construction to proceed.

## **18. Finance Plan**

The Specific Plan provides a general description of the type and cost of utilities and facilities required to serve the developed specific plan area as well as community amenities, open space, trails etc. Typically, a consultant would be hired to prepare the finance plan. The plan would identify the types of funding mechanisms to be used for each type of facility/amenity. The Finance plan provides the basis for the actual funding

mechanisms by providing a detailed description and analysis of the funding mechanisms, the Facilities to be Financed in general terms, the cost of facilities to be financed in detail (normally by land use type), the allocation of costs to the funding sources in detail, project requirements and procedures. The Finance plan will often include analysis of any specific financing mechanism such as a Community Facilities District and the cost spread to establish such special taxes. The Finance Plan is therefore a critical document to be adopted before any development can proceed.

**19. Facilities Master Plan**

The Facilities Master Plan provides a detailed analysis and description of the public facilities required to serve the Specific Plan area (including where appropriate, project amenities). Typically an engineering firm specializing in this type of document would be hired. Based on the generalized discussion of the Specific Plan, the Facilities Master Plan includes calculations and engineering drawings that provide the sizing and capacity of facilities as well as the layout in relation to the project area properties. The major infrastructure components are included: street system, sanitary sewer, potable water, parks, storm drainage, are included. The document is typically prepared by an Engineering firm consultant. The detailed information from this effort is used to refine the cost estimates used in the Finance plan and any funding mechanisms. Although the Facilities Master Plan level of detail can be combined into the Specific Plan, it is more useful to create a separate document.

**20. CFD Formation**

The Community Facilities District (CFD) (Mello-Roos District) is a special taxing district formed over the Specific Plan area to construct and maintain certain infrastructure or amenities within the Specific Plan area. The initial CFD taxing district may be formed to just prior to the first phase of development. The CFD must be in place prior to the recordation of any Final Maps for development. Future phases of development will be annexed to the CFD as development occurs. The CFD typically will finance streets, water, wastewater, storm drainage, parks, parks maintenance, landscaping, trails and any other specified uses or maintenance thereof.

**21. Annexation - LAFCO Process – if necessary (refer to flow chart)**

Annexation is required before development can proceed. Except for occasional infill projects, the Specific Plan process is typically used for development of larger new growth areas of the City. Before annexation of an area is initiated by City Council resolution, the LAFCO annexation application is prepared. The application requires preparation of detailed documentation of the City's ability to provide services, including calculations showing capacity to provide sanitary and potable water for the specific plan area. Information from the Specific Plan EIR will serve as a source in completing infrastructure capacity data required by LAFCO.

## **22. Development Applications - Final Maps/Building Permits**

Before any construction can proceed, development applications must be processed and approved by the Planning Commission and City Council as required by statute and set forth in the Specific Plan document. These would include any subdivision or parcel maps, and/or plot plans or development agreements etc. Issuance of a building permit is the last step towards actual construction and can only occur when all the preceding required entitlements have been accomplished.

### **Initial Environmental Review**

In order to accomplish these objectives, the City shall review the application and meet with the applicant, if necessary. General areas and issues requiring study shall be identified. The City shall seek early input from responsible agencies and trustee agencies and the public regarding key issues in preparation of the specific plan. Should any technical studies (such as transportation analysis) be prepared for the plan alternatives, the City shall be involved in the commissioning of these studies, so that the resultant report(s) will be in a format which is useful in preparation of a specific plan, but is also useable for CEQA documentation following preparation and submittal of the plan.

The issues identified by the City and other key agencies will be listed in a letter to the applicant identifying the necessary information and technical studies. For purposes of processing the specific plan, request and receipt of information at this early stage will not result in determining the application as complete. Careful consideration will be given to technical studies that may require preparation during a particular season of the year. Such studies should be requested as soon as the need is identified to avoid missing the season. After the project is defined and formally submitted, the formal application and review process begins. As provided by the CEQA Guidelines, additional information may be required of the applicant during preparation of the environmental document if other significant impacts are discovered.

## **PART II SPECIFIC PLAN PREPARATION**

Part II of the guide describes in some detail the content of specific plan documents needed to meet City of Modesto standards for a complete plan. The sections of this part include:

1. Form and Content – the structure and information contained in the document
2. Environmental Review – CEQA review of specific plan and subsequent development

## **1. FORM AND CONTENT**

The following text describes the expected content and organization of a specific plan that would be submitted for review and consideration by the City of Modesto. This guide is intended to assist those involved in specific plan preparation to clearly understand the elements and scope of work to be included for proper implementation of State law (Government Code Section 65451) and the Modesto Urban Area General Plan. The guide allows flexibility in the organization and content of a specific plan; not all design elements may apply given the unique conditions of individual planning areas (e.g. size of project area, proposed land uses, etc.). Variations of the design elements will be considered on a case-by-case basis, based on discussions with City staff.

Throughout the preparation, and subsequent adoption and amendment of the plan document, hardcopy should be in a 3-ring binder, all text and graphics should be submitted and maintained in electronic form compatible with the City's computer software (Microsoft Word, Excel, Access, and AutoCAD; graphics must be in a format that can be viewed in a Microsoft Word- version '97 or newer). Base mapping shall be compatible with the City's GIS Arcview system.

Following is a detailed outline of the sections and chapters of a specific plan:

### **INTRODUCTORY SECTION:**

- A. Title Page
  - 1. Name of Specific Plan
  - 2. Specific Plan File No. ( i.e., SP - 2003-003)
  - 3. Name, address and telephone number of Developer and/Applicant
    - a. Name and e-mail address of contact person
  - 4. Name, address and telephone number of Document Preparer
    - a. Name and e-mail address of contact person
  - 5. Agency Name
  - 6. Date of Plan Adoption, Resolution No. & any Amendments to Plan
- B. Table of Contents
- C. List of tables, exhibits and maps
- D. List of Appendices

### **SUMMARY (CHAPTER I):**

- A. Purpose of specific plan and summary of issues covered
- B. Location, including regional context
- C. Acreage, basic land use information
- D. Summary of preparation process (overall flow chart)

**INTRODUCTION (CHAPTER II):**

- A. Project description and general range of issues addressed in Specific Plan.
- B. Statement that the specific plan is a regulatory document, prepared pursuant to California Government Code Sections 65450 through 65457, and that site plans, tentative parcel maps and tract maps must be consistent with the Specific Plan.
- C. Purpose of the specific plan and how the plan's policies and regulations accomplish it.
- D. Relationship of the specific plan to the Modesto Urban Area General Plan.
- E. Relationship of the specific plan to other specific plans and/or planning documents in the immediate area.
- F. Relationship of the specific plan to the plans of neighboring jurisdictions, regional agencies and the state.
- G. Relationship of the specific plan to program-level environmental documentation.
- H. Severability Clause (i.e., "if any regulations, condition, program, or portion of this Specific Plan is held invalid or unenforceable, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions thereof").

**Existing Conditions Section**

- A. Project Location:
  - 1. Written description of the location, including site acreage(s).
  - 2. Regional Map – location of project in relation to freeways, major roads, cities, riparian corridors or other sensitive habitats, etc.
  - 3. Vicinity Map – show project boundaries plotted on USGS topography or similar base
  - 4. Site Diagrams – use the same base map for all site diagrams in the document.
  - 5. Airphoto of site – use most recent photo available from City
- B. Existing Site Conditions – include site diagram describing:
  - 1. Existing land uses and built environment
  - 2. Surrounding land uses
  - 3. City boundary lines (i.e. general plan boundary, sphere of influence, etc.)
- C. Existing Circulation – include site diagram(s) describing all transportation modes:
  - 1. Regional Circulation
  - 2. Local Circulation

- D. Existing Utilities – include site diagrams describing:
  - 1. Water Supply Facilities
  - 2. Wastewater Facilities
  - 3. Stormwater/drainage Facilities
  - 4. Solid Waste Facilities
  - 5. Natural Gas Lines
  - 6. Electrical Facilities
  - 7. Telephone
  - 8. Cable T.V
  - 9. Microwave tower facilities
  
- E. Property ownership - include site diagram depicting property ownership information that includes name, acreage and Assessors Parcel Number for each parcel in the plan area.
  
- F. Existing Environmental Conditions – include site diagrams describing:
  - 1. Topography
  - 2. Geology and Soils
  - 3. Seismicity
  - 4. Drainage
  - 5. FEMA floodway and flood plain information if applicable
  - 6. Vegetation
  - 7. Historic and/or Archeological, Paleontological areas/sites
  - 8. Biological Resources
  - 9. Property subject to Williamson Act contracts
  - 10. CalEPA hazardous materials list sites
  - 11. Potential Wetlands delineation

*Note: information covering existing environmental conditions will duplicate much of the environmental setting section of the Environmental Impact Report for the plan.*

**SPECIFIC PLAN ELEMENTS (CHAPTER III):**

- A. **Land Use Plan** – articulates a vision for the ultimate development and establishes the general distribution and extent of land uses within the plan area.

The following items shall be addressed:

- 1. General Plan Policies – purpose and intent, locational criteria and land use intensity.
- 2. General Plan consistency- how the plan implements the General Plan land use policies.
- 3. Character of Development.

4. Land Use Diagram delineating the planned distribution, location, and extent of land uses (including open space).
5. Permitted Land Uses – a table defining all uses permitted in the plan area and describing the characteristics of each land use designation (e.g., low-density residential, open-space, neighborhood commercial, etc.). Additional categories may be considered to accommodate the special needs of the specific plan concept.
6. Land Use Table, describing each proposed land use with respective acreage, minimum and maximum number of units, development intensity/density, Floor Area Ratio (FAR) and other pertinent information.
7. Generalized plotting diagram, describes the range of parcel sizes including range of densities and types of housing proposed for residential areas.
8. Provisions for protection of agricultural lands including buffering techniques and transitional uses.
9. Provisions for protection of riparian corridors or other sensitive habitat, if applicable.
10. Location of public facilities and infrastructure necessary to serve the specific plan area, e.g. roads, parks, water wells, tanks, sewers, storm drainage basins, schools, solid waste disposal, energy, etc.

**B. Housing Plan** – this section covers the overall concept of housing within the Specific Plan. The goals of housing within the Specific Plan should be stated. Consistency of these goals with the Modesto Urban Area General Plan “Housing Element” goals should be addressed.

1. A key section of this element is the Specific Plan’s affordable housing program. This program shall be consistent with the affordable housing goals contained in the Housing Element of the Modesto Urban Area General Plan. The Specific Plan should state how it would provide for a range of housing types to ensure socially and economically integrated neighborhoods.
2. Provisions for housing for all economic segments of the present and future community including the City’s fair share of the regional housing need, pursuant to the Housing Element of the Modesto Urban Area General Plan.
3. Address minimum densities, mix of densities, range of housing products, mechanisms to facilitate affordable housing, etc.

**C. Circulation Plan** – articulates the vision for the ultimate circulation network and establishes the general circulation system within the plan area, a statement of objectives and policies pertaining to the planned distribution, location, extent, and

intensity of major components of public and private transportation as well as non-motorized transportation opportunities, and consists of:

1. Diagram(s), written descriptions, characteristics, including standards, criteria and diagrams, of planned major transportation components, including improvements that support the land use proposals (*include cross-sections describing right-of-way dimensions, intersection layout, signals, traffic control measures, roundabouts, landscape easements, medians, parkways, street slope, etc.*)
  2. The Specific Plan shall clearly identify non-motorized transportation, including bikeways and pedestrian paths and conform to the Non-Motorized Transportation Plan.
  3. This section should also clearly state how public transportation will be addressed within the Specific Plan area. If the Specific Plan is being prepared for a new area, it should clearly state how this area will hook up with the existing transit system. Locations of bus turnouts should be clearly identified.
  4. The specific plan should include a transitional roadway plan, where road right of way are to be relocated, identify existing roads to be maintained for agricultural product transport or farm equipment routes that:
    - Identifies existing roads to be maintained for agricultural product transport or farm equipment routes;
    - Determines roadway specifications and markings that identify the roads as being used for agricultural vehicles; and
    - Establishes criteria to determine when the road should transition from being predominately used for agricultural purposes to being used for urban purposes.
- D. Streetscape Plan** – a statement of development objectives and policies (based on opportunities, issues, and the analysis of data) pertaining to planned streetscape improvements describing location, extent, and intensity of streetscape improvements including arterial streetscapes, gateway/entry monumentation, project perimeter improvements, landscape features, walls and fences, theme walls, neighborhood walls, private walls and fences and any other applicable improvements, and consisting of:
1. Diagram(s), written descriptions, characteristics, including standards and criteria, of planned streetscape components, including improvements that support the land use planning proposals (*include cross-sections describing landscape and hardscape improvements, entry monumentation design, landscape buffers, etc.*).
- E. Public Facilities Concept Plan**: The Public Facilities Plan element provides concept level facilities design to establish the base infrastructure for roads, water (including water source to serve the Specific Plan area), sanitary sewer, storm drainage facilities,

parcs and other public facilities to serve new development in the planning area. It provides base information for the separately prepared, and more detailed, Facilities Master Plan document for construction (see Implementation Section 3 B, Facilities Master Plan, for details). The public facilities concept plan provides base information on the "backbone" infrastructure system, showing preliminary alignment and sizing layouts for roadways, potable water systems, sanitary sewer systems, and storm drainage.

**F. Conceptual Grading Plan**

1. Preliminary grading concept/drainage analysis for the project, including existing and proposed drainage facilities (use appropriate contour interval but no greater than five (5) feet).

**DEVELOPMENT STANDARDS (CHAPTER IV):**

This section contains specific development standards that will be applied to development projects within the plan area, including standards for the conservation, development and utilization of natural resources, if applicable. City staff will work with each project applicant to determine the appropriate development standards to include in the specific plan, however, most specific plans will likely need to include the following standards:

1. Site Development Standards -
  - a. Intensity of Development (floor area ratio indicated)
  - b. Minimum Parcel Size
  - c. Building and parking setbacks
  - d. Building Height
  - e. Landscaping
  - f. Parking
  - g. Fencing and walls
  - h. Loading area
  - i. Solid Waste and Recycling
  - j. Outdoor storage
  - k. Signage
2. Performance Standards -
  - a. Noise Attenuation
  - b. Lighting and glare
  - c. Nuisances
3. Other Regulations -
  - a. Specific Plan Overlay Zone
  - b. Exceptions to Development Regulations
  - c. Improvement Standard Regulations
  - d. Designation of Sub-Areas

**DESIGN GUIDELINES (CHAPTER V):**

1. *Overall Design Concept* - This section describes the planned character of development in the plan area. City staff will work with each project applicant to determine the appropriate items to be addressed in the Guidelines, however, most Guidelines will likely need to include the following:
2. Site Planning Guidelines -
  - a. Site layout/parcelization
  - b. Site Grading
  - c. Entry Drives
  - d. On-site Circulation and access
  - e. Parking
  - f. Loading and Storage Areas
  - g. Refuse Collection Areas
  - h. Building Orientation
  - i. Walkways
  - j. Site Access
  - k. Handicap Accessibility
  - l. Energy Conservation Techniques
  - m. Security Provisions
  - n. Relationship to Adjacent sites
3. Architectural Guidelines -
  - a. Building Massing, Articulation and Relationships
  - b. Building Entries
  - c. Building materials, colors and finishes
  - d. Mechanical Equipment screening
  - e. Exterior lighting
  - f. Exterior paving and furnishings
4. Landscape Guidelines -
  - a. Landscape Design
  - b. Site Layout
  - c. Existing Healthy Trees (for preservation in the Plan)
  - d. Plant Materials
  - e. The right-of-way area
  - f. Pedestrian walkway systems
  - g. Perimeter landscaping
  - h. Parking lots
  - i. Interior property lines
  - j. Entry drives
  - k. Entry plaza areas and courtyards
  - l. Landscape buffer
  - m. Landscape screening
  - n. Landscape lighting
  - o. Water conservation – landscaping to meet Leadership in Energy and Environmental Design (LEEDS) requirements for run-of and shading

5. Signage Guidelines -
  - a. Wall signs
  - b. Free standing signs
  - c. Directional signs
  - d. Temporary signs
  
6. Lighting Guidelines
  - a. Illumination of buildings
  - b. Illumination of landscaping
  - c. Illumination of parking areas
  - d. Illumination of walkways and courtyards
  - e. Illumination of signs

**COMMUNITY SERVICES AND UTILITIES (CHAPTER VI):**

This chapter contains a statement of development objectives and policies (based on opportunities, issues, and the analysis of data) regarding the planned distribution, location, extent and intensity of community facilities (e.g., schools, fire stations, police sub-stations etc.) and their related facilities (i.e. utilities, solid waste disposal, electric sub-stations, irrigation canals, microwave towers etc.). Chapter III contains a detailed discussion of public Infrastructure - roads, sewer, water and storm drainage); This chapter consists of the following, including a table that identifies the service providers responsible for each of the services listed below:

1. Public Safety – This section should explain how police and fire protection will be provided to the area. The impact of this project on the level of service goals for police and fire (as stated in the General Plan) should be addressed.
  
2. Schools – the developer of the Specific Plan should coordinate closely with the respective school district that serves the area to ensure there area adequate school(s) for the residents of the Specific Plan Area. The location of any school(s) should be shown on a map. There should be a description of all school facilities provided and available, both on and off-site, to the project area. This description should extend from preschool through college level programs.
  
3. Child Care – a description of child care facilities, both on and off-site, that are available to the residents of the Specific Plan Area should be included.
  
4. Solid Waste - This section should state where solid waste for the proposal will be disposed of and how this project will impact the life expectancy of that landfill.
  
5. Flood Control – A map should be included which shows the FEMA designations for the property. Measures that will be taken to reduce flood concerns (if any) should be discussed.
  
6. Utilities - There should be a discussion of how electricity, gas, telephone and cable TV and information technology will be provided to the area.

**PARKS AND RECREATION (CHAPTER VII):**

This Chapter contains a statement of development objectives and policies based on opportunities, issues and the analysis of data pertaining to the planned distribution, location, extent, and intensity of open space and recreational facilities (e.g., parks, natural and improved open space areas, bicycle/pedestrian trails and other recreational trails) and consisting of:

1. Diagram(s), written descriptions, characteristics, including standards and criteria, of existing and proposed parks, natural or improved open space areas, dual-use facilities, non-motorized trails and other recreational trails that will support planned land uses. The location of any community centers should also be identified.
2. There should also be a discussion of the facilities being provided and their relationship to the standards for new facilities contained in the Modesto Urban Area General Plan. The relationship to the Parks Facilities Master Plan should be addressed in the plan.

**ENVIRONMENTAL RESOURCES (CHAPTER VIII) :**

The Specific Plan should include 1) a summary of environmental issues/impacts, 2) summary of mitigation measures including what measures have been incorporated into the specific plan development and design standards 3) who is responsible for implementing the mitigation measures, 4) what triggers the mitigation (include references to text and EIR if necessary), and 5) who or what agency monitors the mitigation. This section will evolve throughout the process as staff and the environmental consultant formulate solutions to potential environmental and design issues.

**IMPLEMENTATION (CHAPTER IX):**

Based on the specific plan policies and objectives, the implementation chapter consists of a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the Specific Plan Elements defined in Chapter III, including the land use plan and the public facilities plan. Variations of the implementation section will be considered on a case-by-case basis, based on discussions with City staff.

- A. Overview**
  1. Sub area concept development plan
- B. Public Facility Infrastructure Policies**
  1. Overall Infrastructure Policies
  2. Infrastructure to serve Sub-Areas
  3. Maintenance and facilities
- C. Public Facility Financing Policies**
  1. Statutory Authority
  2. General Plan Facility Financing Policies
  3. Specific Plan Facility Financing Policies

- a. Required Public Facilities and their Design Standards (e.g. dedication & development of parkland according to "turn-key" guidelines).
- b. Overall Financing Policies
- c. Specific Financing Policies – by Public Facility
  1. Streets
  2. Sewer
  3. Water
  4. Storm Drainage
  5. School
  6. Landscaping
  7. Summary (matrix) of Public Facilities Funding Mechanisms, by type
  8. Landscape maintenance plan

**D. Sub-Area Financing Policies**

- a. Financing Policies Applicable to applicable Sub-Areas

**E. Annexation Policies**

**PLAN ADMINISTRATION (CHAPTER X):**

- A. **Adoption** – Adoption of the specific plan and its implementing documents, Facilities Master Plan and Finance Plan, is by a Resolution of the City Council, following review and recommendation by the Planning Commission.
- B. **Subsequent Entitlements** – This section should outline the procedures for actual development within the Specific Plan Area. It should clearly state what types of action (e.g. conditional use permits, development plan reviews, planned residential developments, planned commercial developments, development agreements, etc.) will be needed for future entitlements, (such as day care center, churches) including which types of projects will require additional environmental documentation.
- C. **Development Plan Review** – summarize the development plan review procedures, including submittal requirements, plan review and approval, time limitations, environmental determinations, and revisions to approved plans.
- D. **Specific Plan Amendment Procedures** – This section outlines the procedures for revisions and amendments to the Specific Plan and minor adjustments to project proposals. At a minimum the following shall apply:
  1. **Amendment:** Amendment to a Specific Plan will require review and approval by the Planning Commission and City Council. Such amendments are governed by California Government Code, Section 65500, and require an application and fee to be submitted to the Community Development Department, stating in detail the reason for the proposed amendment.
  2. **Administrative Procedure:** A procedure may be included in the specific plan for Minor adjustments to project proposals which may be allowed through an

administrative mechanism where a determination by City staff can be made that the proposal is in "substantial conformance" with the specific plan. The scope and exact language of this procedure must be approved by the Community and Economic Development Director and City Attorney.

- E. **Appeals** - The Specific Plan shall contain an appeal procedure for administrative determinations, decisions, or requirements made by City staff. The procedure shall direct the appeal first to the Planning Commission, then, if necessary, to the City Council. The procedure may be modeled after Article 28, Title X, Modesto Municipal Code.
- F. **Interpretation/Enforcement** – This section shall state that the Community Development Director has the responsibility to interpret provisions of the Specific Plan, and that decisions of the Director can be appealed to the Planning Commission. This section should also state that the Community Development Director is responsible for enforcing provisions of the Specific Plan.
- G. **Severability** – The Specific Plan shall contain the following severability clause: "If any regulation, condition, or program or portion thereof of the Specific Plan is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions".
- H. **Specific Plan Reimbursement Fees** – Pursuant to Government Code Section 65456, the City of Modesto has adopted an ordinance, Municipal Code Section 10-4.101, et seq. for the reimbursement of the costs of development and preparation of the specific plan and its related environmental review document. The plan should address how this fee would be implemented or collected.
- I. **Indemnity** - The Specific Plan shall contain an indemnity clause with language similar to the following: "the specific plan applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the specific plan and its related documents (e.g. Environmental Impact Report, Facilities Master Plan and Finance Plan)". Final wording of this clause is subject to approval by the City Attorney.

**APPENDICES:**

- A. **Precise Description** of the Specific Plan boundary; a legal description taken from the title report of from deeds of the exact properties affected by the Specific Plan shall be included.
- B. **Summaries** of key Specific Plan background data and information.

List of Applicable mitigation measures/Mitigation Monitoring program from Focused EIR

- C. **Glossary** of Specific Plan terms (this may need to be included in introductory sections).
- D. **Technical Reports** – Technical Reports, the executive summaries of technical reports, or a reference to where technical reports are located should be located in the appendices including:
1. Traffic Study and or Traffic Impact Analysis
  2. Hydrology/Drainage Study and Drainage Master Plan for the Specific Plan Area.
  3. Sewer Master Plan for the Specific Plan Area.
  4. Water Master Plan for the Specific Plan Area.
  5. Geotechnical/Soils study (if applicable) for the Specific Plan Area.

## **2. ENVIRONMENTAL REVIEW OF PLAN AREA DEVELOPMENT PROJECTS**

### **Specific Plan EIR:**

A Specific Plan Environmental Impact Report is prepared to cover the development of the Specific Plan. This CEQA document would normally be a Focused EIR that would be tiered off of the City's General Plan Master EIR. The Final EIR would identify all project impacts and contain a complete program of mitigation measures to reduce or eliminate effects. Many of these measures are project-specific, but many of them are taken directly from the Master EIR.

Environmental review for development projects within the specific plan area will typically require preparation of an Initial Study that makes the finding that the project is within the scope of the specific plan EIR and General Plan Master EIR. These projects will then draw down all appropriate mitigation measures and apply them to the project approval. A list of these measures should be attached to the environmental review document.

### **A. Level of Review for Subsequent Projects:**

1. Projects that qualify as exempt – Notice of Exemption prepared. This includes Government Code Section 65457 exemption for residential development projects, subdivision, or zoning change undertaken to implement and is consistent with a specific plan.
2. Projects that are within the scope of the Focused EIR/Master EIR – an Initial Study is prepared.
3. Projects that introduce new project-specific effects not covered – a Mitigated Negative Declaration is prepared.
4. Minor Amendments to the Specific Plan – an Initial Study possibly leading to a Mitigated Negative Declaration or Addendum depending on whether new effects are identified, an Addendum to the EIR may be required for minor technical revisions to the EIR.

5. Major Amendments to the Specific Plan – Supplemental or Subsequent EIR depending on the extent of the change and the effects.
- B.** **Mitigation Monitoring Program** – Pursuant to Public Resources Code Section 21081.6, include a summary of conditions of project approval to mitigate or avoid significant effects on the environment to insure that the project and all future development within the project area complies with all applicable environmental mitigation and permit requirements.

### **PART III**

## **IMPLEMENTATION MEASURES AND DOCUMENTS**

- A.** **Fiscal Impact Analysis** - Report on the costs and revenues anticipated by the City as a result of the proposed development. This analysis can be attached to the Specific Plan as a technical appendix, but should be summarized here. Fiscal Impact Reports will be based on a modeling procedure established by the City and will include the latest available multiplier data from actual city revenues and expenditures. The fiscal impact analysis is required to achieve the following purposes:
1. To ensure that decision-makers are fully apprised of the probable municipal costs and revenue streams which may be generated by the proposed development.
  2. To identify the fiscal impacts of the proposed land use mix, provision of evidence for preliminary forecasting of budget impacts, and supply of project-specific economic information to assist in the deliberations of the Planning Commission and City Council.
- B.** **Facilities Master Plan** - This is the engineering implementation document that is prepared from the concept level, base information provided in the specific plan. This document is prepared separately and based on the concept level infrastructure data, provides preliminary design calculations, demand calculations and requirements set forth in the plan, and adds an additional level of detail placing the location and sizing of facilities in order that actual construction drawings can be produced. This document must be prepared concurrent with the Specific Plan and is necessary to be adopted concurrent with adoption of the Specific Plan.

The Appendix, Section 4 of this document contains the detailed requirements for preparation of the Facilities Master Plan. The Public Facilities Plan will include technical studies required to define the infrastructure for the area, include scale drawings based on existing City aerial photos, record drawings, and GIS data. The Facilities Master Plan would also address dual-use drainage/open space facilities including trails/pedestrian paths adjacent to drainage basins. Specific location and area requirements for storm drainage basins will be determined, based on a comprehensive hydrology study. Infrastructure plans would be addressed as part of the Facilities Master Plan, discussed in Section 4 of the Appendix.

- C. **Finance Plan** – The Finance Plan will be completed in conjunction with preparation of the specific plan. This document includes preparation of a market study to look at (i) the potential absorption of the proposed land uses, and (ii) the recommended combination of land uses based on analysis of the competitive market place and existing supply and demand. The finance plans will address all of the facilities to be financed, including roadways, storm drainage system, sewer system, water system, utility relocation, public facilities, and other facilities. The Finance Plan is required to be completed in conjunction with preparation of the specific plan. A program for addressing any fiscal deficits to ensure adequate personnel and ongoing operations and maintenance should be included. The Finance Plan shall provide the following:
1. Estimated costs of the public improvements proposed by the specific plan's infrastructure plans.
  2. The measures and/or methods by which each proposed public improvement(s) will be financed.
  3. Identify persons or agencies responsible for and constructing the proposed public improvement.
  4. Financing Measures necessary for implementing the specific plan's proposals other than capital improvements shall include:
    - a) Descriptions of the projects requiring financing.
    - b) Estimated costs.
    - c) The measures by which each specific plan proposal (including public infrastructure improvements) will be financed.
    - d) Persons or agencies responsible for financing and carrying out such proposals.
  5. Formation of a Community Facilities District (CFD) , facilities to be included and explanation of how the CFD would be monitored and administered on an ongoing basis.
- D. **Phasing/Sequence of Improvements**– The phasing of the project shall be described. The provisions for development phasing should ensure orderly and contiguous development consistent with the population projections and growth rate of the General Plan. For the specific plan's proposals, including capital improvements; identify the phasing of development as it pertains to recreation facilities, public facilities (including infrastructure facilities) and other uses within the plan (including a phasing diagram). The phasing programs shall ensure that adequate supporting public services, retail, parks, schools and other uses are in place to support residential uses. The phasing program shall include thresholds of residential development that cannot be exceeded until the construction of appropriate improvements has been initiated or to be completed by a specific date. The phasing plan shall be consistent with City approved

infrastructure studies. Provide a list of public improvements and supporting exhibits which must be built with the development of each phase so that the phased development is self sustaining and independently viable. It should be noted that certain improvements may be needed beyond the phase boundaries to support the respective phase.

**E. Comprehensive Maintenance Program** : Summary of maintenance responsibilities for streets (including street median and parkway landscaping), common area, open space, parks, bicycle and pedestrian facilities, drainage facilities, water and sewer, and other facilities, including the following:

1. Maintenance Program Matrix: describing list of facilities and improvement with responsible party.
2. Streetscape/Open Space/Parks Maintenance Diagram – identify location of landscape areas, bicycle and pedestrian facilities, and open space areas with party responsible for maintenance of respective improvements.
3. Examples and/or model of Conditions, Covenants and Restrictions (CC&Rs).

## **APPENDIX – Detailed Facilities Master Plan Requirements**

The Public Facilities Master Plan should cover the following Sections:

The Plan will include technical studies required to define the infrastructure for the area, include scale drawings based on existing City photogrammetry, record drawings, and Geographic Information System (GIS) data. Consultant shall perform field survey as necessary to assure consistency between right-of-way information and photogrammetry. The Plan shall cover at a minimum, the following areas:

- **Introduction:** description of project area, site characteristics, purpose and objectives of FMP, etc.
- **Circulation System:** Scale drawings showing all minor collectors and all street classifications above minor collectors, improvements in their final configuration based on the Specific Plan, City Standards and Caltrans plans where applicable. Right-of-way acquisition for all facilities shall be defined on separate drawings as well as impacts to existing improvements. The circulation plan should address pedestrian circulation along public right-of-way.
- **Transit System Improvements:** the circulation system drawings shall also show the transit turnouts as well as impacts to existing improvements.
- **Bicycle Path System:** Scale drawings showing all bike path improvements in their final configuration based on the Specific Plan, City Standards, and Caltrans plans where applicable. The plans shall incorporate the standards and guidelines outlined in the City of Modesto Non-Motorized Transportation Plan. Right-of-way acquisition for all facilities shall be defined on separate drawings as well as impacts to existing improvements.
- **Parks/Open Space:** Scale drawings showing open space system including dual use storm drainage/park facilities.
- **Street Lights:** Scale drawings showing all street lighting, including location of street lighting, specifications on pole type, height,
- **Public Safety:** Address concerns/comments from the Modesto Police Department.
- **Estimate of probable cost:** for all facilities.
- **Construction Phasing:** outline phasing for "backbone" infrastructure.
- **Funding Sources for Infrastructure:** Finance Public Facility Finance policies
- **Sewer, water and storm drainage facilities:** see guidelines below.

**Underground Utilities Guidelines (i.e Sewer, Water and Storm Drainage):**

1. All proposed water, sewer, and storm drainage facilities are subject to written approval by the City Engineer.
2. Design calculations supporting all facility assumptions shall be land-use based and generated for total build out of the Specific Plan area (to be included in an appendix to the Specific Plan).
3. The Specific Plan should indicate any phasing requirements, from both a construction and financing perspective, for the proposed improvements.
4. Water, sewer, and storm drainage facilities installed in the early phases of development shall be sized to accommodate ultimate build-out of the Specific Plan and adjoining areas, as necessary.
5. Maps of sufficient detail to adequately show the proposed and existing (above and below ground) infrastructure shall be included. This includes showing existing topography (USGS topographic information for undeveloped areas is acceptable) and aerial photographic information of existing conditions.
6. An itemized Engineer's Estimate for all backbone facilities (including land costs) is required and unit costs for those facilities shall be based on actual costs from recent municipal projects and/or from local industry standard cost estimating guides. Present all estimates in current dollars and inflate to more accurately reflect construction costs at the time when delayed facilities are anticipated to be built. Annual utility infrastructure maintenance costs for those backbone facilities shall also be included.
7. The cost burden of infrastructure shall be assigned in a manner described in the Finance Plan.
8. Providing supplemental engineering data and design details not otherwise specified herein, is the responsibility of the engineer designing the facilities.
9. All permits and agency approvals required for development of the Specific Plan shall be identified, including written confirmation of future acceptance by any irrigation district where discharge into their facilities is contemplated.

**Water System:**

10. The proposed water system shall be consistent with the City's water related plans and permits, adjacent Specific Plans, Community Facility Districts, and existing facilities.
11. Water facilities shall be sized and located to accommodate peak demand requirements according to the procedures and methodologies of the Water System Design Standards (Section 6) of the City's Standard Specifications.

12. A map showing alignment of all backbone facilities (i.e. pipes eight inches and larger, wells, wellhead treatment facilities, tanks, booster pump stations, ASR wells, connections to adjacent facilities, etc.) is required, along with a narrative description of the proposed improvements.
13. Water demand calculations for all major facilities (i.e. acreage of expected service areas, projected land uses, production requirements of any wells, storage requirements of any tanks, number and size of pumps, pipe sizes, peak flow rates at critical junctions, current fire flow results, etc.) are required.
14. Identify and demonstrate the adequacy of the anticipated water supply for the Specific Plan area. If the Specific Plan constitutes a "project", as defined by Senate Bill 610 and/or Senate Bill 221, then a Water Supply Assessment will be required as part of the approval process of the Specific Plan. The plan should incorporate the appropriate findings and determinations that are required to document compliance with the Water Supply Assessment.
15. Where feasible, consider installing a dual piping system with "purple pipe" to accommodate recycled water for landscape irrigation, etc. Water sources to consider include reclaimed water and non-potable water from wells with unfavorable water quality conditions.

**Wastewater System:**

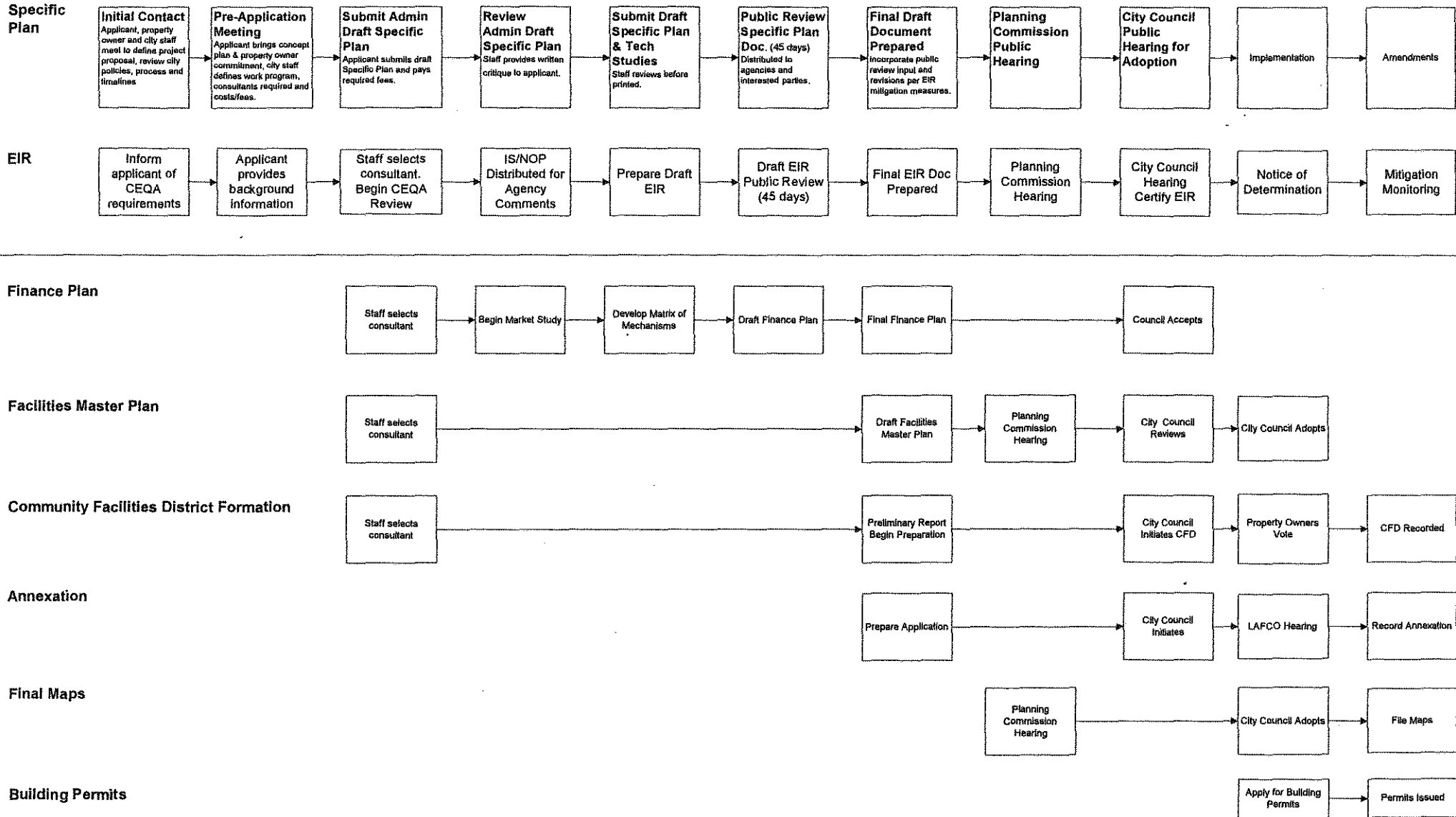
16. The proposed wastewater system shall be consistent with the City's wastewater related plans, adjacent Specific Plans, Community Facility Districts, and existing facilities.
17. Wastewater facilities shall be sized and located to accommodate the peak flow rates according to the procedures and methodologies of the Sanitary Sewer System Design Standards (Section 5) of the City's Standard Specifications.
18. A map showing alignment of all backbone facilities (i.e. pipes ten inches and larger, lift stations, connections to adjacent facilities, etc.) is required, along with a narrative description of the proposed improvements.
19. Wastewater capacity calculations for all major facilities (i.e. topographic map of the expected tributary area(s) to be served, projected land uses, number and size of pumps, pipe sizes, peak flow rates at critical junctions, etc.) are required.
20. Identify and demonstrate the capacity of the downstream facilities expected to accommodate wastewater flows from the Specific Plan area, including the identification of special requirements to dispose of any anticipated industrial wastes.

**Storm Drainage System:**

21. The proposed storm drainage system shall be consistent with the City's storm drainage related plans and permits (i.e. "Design Standards for Dual Use Flood Control/Recreation Facilities", "Guidance Manual for New Development Stormwater Quality Control Measures", "National Pollutant Discharge Elimination System" (NPDES) permit, etc.), adjacent Specific Plans, Community Facility Districts, and existing facilities.
22. Storm drainage facilities shall be sized and located to accommodate the peak runoff flow rates according to the procedures and methodologies of the Storm Drainage System Design Standards (Section 4) of the City's Standard Specifications.
23. A map showing alignment of all backbone facilities (i.e. pipes ten inches and larger, lift stations, detention basins, outfall facilities, basin service roads, connections to adjacent facilities, flood hazard areas, etc.) is required, along with a narrative description of the proposed improvements.
24. Storm drainage capacity calculations for all major facilities (i.e. topographic map of the expected tributary area(s) to be served, projected land uses, time of concentrations, detention basin volumes, number and size of pumps, pipe sizes, peak flow rates at critical junctions, etc.) are required.
25. Identify and demonstrate the capacity of the downstream facilities expected to accommodate storm drainage flows from the Specific Plan area.

## Specific Plan Process and Related Entitlements Required for Development

Typical Timeframe is 18-24 Months (Following Measure "M" Vote, if required\*)



\* NOTE: This diagram is an idealized representation of a complex, multi-year process that will vary somewhat depending on the complexity of the actual proposal. The Specific Plan process is an integrated approach that includes several other major components that must be developed in concert with, and are all adopted prior to development of the Specific Plan Area. The Specific Plan program will dictate the content of the other documents. However, revisions or changes may need to be made to the Specific Plan program based on the results of the other components (EIR, Facilities Master Plan, Finance Plan and CFD). Minor technical revisions and more significant amendments may need to be made to the Plan program during its implementation phase before buildout in order to best guide development of the area.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 511

A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL  
BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in **Schedule A**.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Fred Cavanah  
 Telephone No.: \_\_\_\_\_  
 Department: Public Works  
 Fund Title: Alternative Transportation

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					
0700-800-8000-8003		\$4,525	(\$3,000)	\$1,525	Reserves

**APPROPRIATIONS**

<u>FROM</u>					
<u>TO</u>					
6550-165-1676-0140	1676		\$3,000	\$3,000	Increase PSE

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u>					
<u>TO</u>					
0700-700-1676-7655	1676		(\$3,000)	(\$3,000)	
<u>TO</u>					
6550-700-1676-9070	1676		\$3,000	\$3,000	

**COMMENTS/JUSTIFICATION**

This transfer from Gas Tax Fund will fund grant position for the next three months until the next CMAQ grant becomes available.  
 LTF funds are not eligible for this use.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers in/out of Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: 1-5855  
 Department: Finance  
 Fund Title: Wastewater

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
05-6270-120-0451		\$1,500,000	(\$750,000)	\$750,000	Principle repayment
05-6270-120-0452		\$333,940	(\$166,970)	\$166,970	Interest Expense
05-6270-120-0461		\$10,000	(\$5,000)	\$5,000	Trustee Fees
<u>TO</u>					
05-6270-800-8000-8003	6270R		\$921,970	\$921,970	contingency

**COMMENTS/JUSTIFICATION**

This Budget adjustment will correct a doubling of expenses that was done during the budget process. The bond payment was double and this will correct it.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Gail Bailey  
 Telephone No.: \_\_\_\_\_  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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***DEPARTMENTAL REVENUES***

<u>FROM</u>					
<u>TO</u>					

***APPROPRIATIONS***

<u>FROM</u>					
6100-800-8000-8003			(\$49,500)		Water Fund Reserves
<u>TO</u>					
0100-120-1205-0235	1200c		\$49,500		Professional Services

***TRANSFERS BETWEEN FUNDS***

<u>FROM</u>					
6100-700-1205-7010	1205g		\$49,500		
<u>TO</u>					
011-700-1205-9610			\$49,500		

**COMMENTS/JUSTIFICATION**

An Engineer's Report was approved for the City to determine the water system's infrastructure needs and evaluation of the allocation. Currently, this project is being paid out of the Finance operating budget. An adjustment needs to be made to transfer funds from the Water Fund to cover these costs.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers in/out of Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Gail Bailey  
 Telephone No.: \_\_\_\_\_  
 Department: Finance  
 Fund Title: Water

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
6100-800-8000-8003			(\$21,700)		Water Fund Reserves
<u>TO</u>					
0100-120-1205-0235	1200c		\$21,700		Professional Services

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u>					
6100-700-1205-7010	1205g		\$21,700		
<u>TO</u>					
0100-700-1205-9610			\$21,700		

**COMMENTS/JUSTIFICATION**

Staff has been working on a variety of GIS and billing data with Shibumi which are currently being paid out of the Finance operating budget. An adjustment needs to be made to transfer funds from the Water Fund to these costs.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers in/out of Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester Council Action Date: \_\_\_\_\_  
 Telephone No.: 577-6480 Resolution Number: \_\_\_\_\_  
 Department: Parks, Recreation and Neighborhoods  
 Fund Title: General FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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***DEPARTMENTAL REVENUES***

<b><u>FROM</u></b>					
<b><u>TO</u></b>					

***APPROPRIATIONS***

<b><u>FROM</u></b>					
0100-800-8000-8003	0100R		(\$18,517)	(\$18,157)	General Fund Reserves
<b><u>TO</u></b>					
0100 340 3415 5900	3415C	\$85,653	\$18,517	\$104,170	John Thurman Field Improvments

**COMMENTS/JUSTIFICATION**

John Thurman Field appropriates \$50,000 a year for stadium and field improvements. At the end of fiscal year 2003/2004, a trash compactor was encumbered in order to try and alleviate the high cost of trash disposal at the stadium during baseball season. Although the compactor was encumbered, the labor and materials to install the compactor could not be encumbered since City staff would be doing the installation. The remaining monies need to be re-appropriated in 2004/2005.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester Council Action Date: \_\_\_\_\_  
 Telephone No.: 577-6480 Resolution Number: \_\_\_\_\_  
 Department: Parks, Recreation and Neighborhoods  
 Fund Title: Centre Plaza FF&E FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
6710-800-8000-8003	6710R		(\$40,044)	(\$40,044)	Centre Plaza FF&E Reserves
<u>TO</u>					
6710 340 3420 5900	3420C	\$91,354	\$40,044	\$131,398	FF&E Non-CIP Purchases

**COMMENTS/JUSTIFICATION**

The Furniture, Fixtures & Equipment Fund is funded each budget year from Centre Plaza revenues year for specific projects or purchases. There were purchases that were not completed or encumbered in Fiscal Year 2004-05 and the remaining funds need to be re-appropriated in FY 2004/2005.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester Council Action Date: \_\_\_\_\_  
 Telephone No.: 577-6480 Resolution Number: \_\_\_\_\_  
 Department: Parks, Recreation and Neighborhoods  
 Fund Title: Golf FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<b>DEPARTMENTAL REVENUES</b>					
<b>FROM</b>					
6600 330 3311 4601		\$367,500	\$30,600	\$398,100	Muni Green Fees
6600 330 3311 4602		\$736,000	\$51,500	\$787,500	Dryden Green Fees
6600 330 3311 4603		\$973,500	\$65,600	\$1,039,100	Creekside Green Fees
6600 330 3311 8155		\$47,652	(\$47,652)	\$0	Misc Revenue
<b>TO</b>					
				\$0	
				\$0	

7051 under 149 no memo 3 golf 1-1-04-05

<b>APPROPRIATIONS</b>					
<b>FROM</b>					
<b>TO</b>					
6600 330 3316 0223	3300C		\$54,048	\$54,048	Repair & Maintenance Outside
6600 330 3316 0235	3300C	\$10,000	\$6,000	\$16,000	Services Professional
6600 330 3316 0360	3300C	\$0	\$40,000	\$40,000	Maintenance & Repair Supplies

**COMMENTS/JUSTIFICATION**

July 1, 2004 Green Fee Increases were not incorporated into the adopted budget. This adjustment increases green fees at all three golf courses, eliminates the \$47,652 "plug" in miscellaneous revenue to balance the golf budget, increases expenditures to balance the budget and to cover unexpected costs including the unallowable \$6,000 CFF expense expected to be charged back to the golf fund, the HVAC repairs at the Dryden Maintenance Shed, and the waste water pump repair at Dryden Golf Course.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester Council Action Date: \_\_\_\_\_  
 Telephone No.: 577-6480 Resolution Number: \_\_\_\_\_  
 Department: Parks, Recreation and Neighborhoods  
 Fund Title: Modesto Centre Plaza FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
6700-800-8000-8003	6700R		(\$2,145)	(\$2,145)	Centre Plaza Reserves
<u>TO</u>					
6700 340 3412 1027	3400C	\$7,500	\$2,145	\$9,645	Parade of Lights Promotion

**COMMENTS/JUSTIFICATION**

Sponsorships for the Parade of Lights in downtown Modesto are obtained to offset those costs of the parade which exceed parade entry fees. Businesses donate money specifically to be used for the holiday parade. In Fiscal Year 2003/2004, all the donation revenues were not appropriated and thus need to be re-appropriated in FY 2004/2005 to be used for the Parade of Lights in December 2004 as intended by the donors.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 512**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF ELEVATOR MAINTENANCE SERVICE AND REPAIR, TO THYSSENKRUPP ELEVATOR CORP., WEST SACRAMENTO, CA, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$22,932**

WHEREAS, the Parks, Recreation and Neighborhoods Department, Building Services Division, has requested elevator services for the City's passenger and freight elevators located at the following sites: Centre Plaza Complex, John Thurman Field, McHenry Mansion, McHenry Museum, Police Department, Ninth Street Garage and Eleventh Street Garage, and

WHEREAS, the passenger elevators located at the Tenth Street Place and Tenth Street Garage are currently under contract for preventative maintenance service and repair with Otis Elevator Co., until August 31, 2005, and

WHEREAS, Request for Bid No. 0304-21 extends any resulting contract to other Government/Publicly funded agencies, if mutually agreeable to all parties, and

WHEREAS, it is the intention of the Parks, Recreation and Neighborhoods Department, Building Services Division, to transfer these services to ThyssenKrupp Elevator Corporation, once the current contract with Otis Elevator Co. expires, and

WHEREAS, on May 11, 2004, Council approved Resolution No. 2004-256, authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of elevator maintenance service and repair, for a three (3) year agreement, with two (2) one-year extension options, and

WHEREAS, the Purchasing Supervisor solicited Request for Bid No. 0304-21, for the furnishing of elevator maintenance service and repair to nine (9) companies, posted the bid on the City's web site, and formally advertised as required by law, and

WHEREAS, of the nine (9) companies solicited, two (2) companies chose to respond, and

WHEREAS, based on being the lowest responsive bid, City staff recommends the award of Bid No. 0304-21 and contract for the furnishing of elevator maintenance service and repair, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$22,932,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0304-21 and the contract for the furnishing of elevator maintenance service and repair, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of \$22,932.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-513**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Acting City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

1. Electrical Supervisor
2. Planning Technician I/II

The job specification for Electrical Supervisor is being revised as a result of a job audit recently completed on this classification. The revised specification for the classification of Electrical Supervisor as shown on the attached **Exhibit "A,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

The job specification for Planning Technician I/II is being revised as a result of a title change from Planning Technician I/II to Administrative Services Technician I/II. The revised specification for the classification of Administrative Services Technician I/II as shown on the attached Exhibit "B," which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## ELECTRICAL SUPERVISOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.

### DEFINITION

Under general administrative direction, to plan, organize, supervise and participate in a wide variety of electrical work in the installation, maintenance and repair of electrical, radio, and fiber optic control monitoring systems equipment, depending on assignment, and to perform a variety of technical tasks relative to assigned area of responsibility.

### SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level management staff.

Exercises direct supervision over technical and other assigned staff.

~~EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:~~

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for electrical services; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in the maintenance and repair of utility, building, and street light electrical; traffic signals, Advanced Traffic Management System (ATMS), CCTV, and electronic communication systems.

Assign work projects to electrician staff and follow up to ensure the appropriate service level is provided.

Perform the full range of the electrician duties as required; design, install, maintain repair electric and electronic systems.

Maintain time, material and equipment use records. Requisition supplies and materials. Inspect the work of assigned staff while in progress; provide advice and assistance to subordinates; coach and evaluate subordinate staff on work performance.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (continued)

Evaluate operations and activities of assigned responsibilities; recommend and implement improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for electrical services activities; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Assist in coordinating electrical services activities with other City departments, divisions and sections, and with outside agencies.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate work unit safety program including ensuring that training is provided as appropriate.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Electrical codes and related ordinances and regulations.

Methods, practices and equipment used in electric, radio, fiber optic and electronic services and activities.

Operational, maintenance and repair characteristics of the electrical, radio, fiber optic, and electronic systems employed by the City.

CCTV operations and installation, Traffic Management systems, operation, and installation; traffic signals, street lighting and street lighting systems.

Principles of supervision, training and performance evaluation.

Knowledge of (continued):

Safe work practices.

Budgeting procedures and techniques.

Personal computer software applications including specialized programs related to assigned area.

Ability to:

Supervise and coordinate electrical and electronic installation, maintenance and repair services and activities.

Supervise, train and evaluate assigned staff.

Establishing schedules and implementing goals and objectives.

Keep Maintaining records and make preparing reports.

Repair electrical signal, lighting, control and alarm systems  
Use electrical tools and equipment skillfully and safely.

Evaluating operations and activities.

Diagnose causes of electrical malfunction.

Read and follow electrical plans, specifications, schematics and diagrams.

Prepare and administer a budget.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in electrical services at the Journey level.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in electronics and or electrical services, CCTV, fiber optics, radio and Advanced Traffic Management Systems.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of certificates issued by the International Municipal Signal Association in Traffic Signals Level I and II and Work Zone Safety are considered highly desirable based on assignment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather and confined spaces.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, stooping, using ladder and working on uneven terrain and in confined spaces and sitting for prolonged periods of time; operating motorized equipment and vehicles; and using a personal computer.

PLANNING TECHNICIAN I  
PLANNING TECHNICIAN II  
ADMINISTRATIVE SERVICES TECHNICIAN I  
ADMINISTRATIVE SERVICES TECHNICIAN II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To provide technical assistance and support to the professional planning staff in an assigned department; to do perform research gathering technical and statistical research; to assist with program monitoring and evaluation; to provide information to the general public, and to provide general technical support in a variety of ways which may include specialized program(s) and/or project(s).

### DISTINGUISHING CHARACTERISTICS

Administrative Services Planning Technician I - This is the entry level class in the Planning Administrative Services Technician series. This class is distinguished from the Planning Administrative Services Technician II by the performance of the more routine tasks under close supervision and duties assigned to positions within the series including to research, gather, and present data and information needed in the daily running operation of the a department. Since this class is typically used as a training class, employees may have only limited or no directly related work experience. Some positions in this class are flexibly staffed. Those positions which are not flexibly staffed perform a relative narrow scope of routine duties. Those positions which are flexibly staffed normally advance to the II level after a minimum of 12 months and demonstration of proficiency which meets the requirements of the Administrative Services Technician II.

Administrative Services Planning Technician II - This is the full journey level class within the Planning Administrative Services Technician series. Employees within this class are distinguished from the Planning Administrative Services Technician I by the performance of the full range of more complex duties as assigned. This class is distinguished from the Planning Assistant in that the latter perform more complex technical duties. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Positions are characterized by the presence of fairly clear guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Specific duties including the amount of public contact and direct support for functions of the unit will vary with the organizational unit to which assigned.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Provide technical assistance to departmental ~~higher level planning~~ staff; collect, research, verify ~~gather~~ and present data and information on a variety of topics for the ~~planning staff~~; and assist in the preparation of various reports. ~~such as the Urban Growth Policy Review report.~~

Conduct research using standard reference materials, interviews and field observation.

Assist in the compilation and analysis of statistical and other types of information.

Maintain administrative records for program/project area to which assigned; collect and input demographic and program data into automated systems.

Assist in maintaining databases and other records management systems.

Work with the City's GIS system to create and update data.

Assist with maintaining the Department's web site.

May conduct surveys in the field or over the phone.

Depending on assignment, assist the general public by providing information and addressing ~~with zoning and street address~~ a variety of requests and concerns.

When Assigned to Community & Economic Development Department-Planning Division:

Create and work with maps and drawings using computer programs such as AutoCAD and CorelDraw.

Post notices of hearings for the Planning Commission, City Council and Board of Zoning Adjustment in field; make deliveries.

Conduct background research on plan reviews and make recommendations for approval or denial; prepare notices and ownership lists; conduct field survey for additions.

Prepare notices for Planning Commission and Board of Zoning Adjustment hearings; prepare mailing list and mail notices for meetings.  
Enter zoning changes on the city Zoning maps; verify accuracy of zoning descriptions.

Assist in the collection of data for annexations; assist in processing annexation applications.

When Assigned to Public Works Department-Transit Division

Work with bus stop locations and improvements.

Take measurements and draw accurate maps of bus stops and surrounding features.

Maintain databases for bus stop locations, signage and associated street furniture.

Assist in the preparation and distribution of marketing materials.

Prepare bus stop schedules for placement at Modesto Area Express (MAX) bus stops.

Distribute and account for bus passes and other bus fare media.

Work with members of the public to resolve issues and concerns related to bus stops.

Ride buses and inspect various bus stops and other transit facilities to insure compliance for a variety of purposes.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

**Administrative Services Planning Technician I**

Knowledge of (depending on assignment):

Basic research methods and sources.

Various word processing and spreadsheet applications

Report writing techniques.

Principles, practices and techniques of drafting and graphic design.

Computer mapping and graphics creation and manipulation programs such as AutoCAD or CorelDraw, (depending on assignment).

The use and manipulation of GIS systems.

Principles and techniques of Web site design.

Ability to:

Learn principles, practices and trends in ~~planning, zoning assigned area and land use.~~

Learn ~~pertinent applicable~~ Federal, State, and local laws, codes and regulations.

May prepare maps, graphs, charts, site plans, and other descriptive material using computer graphics programs such as AutoCAD and CorelDraw, depending on assignment.

Provide ~~service and information to the public on a variety of topics, developers and realtors regarding address and zoning regulation.~~

Collect, compile, analyze and interpret data.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Use a computer to enter data into databases.

Make accurate mathematic calculations.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

No experience is required. Related experience including conducting research, report writing and extensive public contact is highly desirable.

Training:

Equivalent to the completion of the twelfth grade.

Additional specialized training in drafting, graphic design, computer graphic design, urban planning, surveying, engineering, mathematics, computer sciences or a related field is desirable based on assignment.

**Administrative Services Planning Technician II**

In addition to the qualifications for Administrative Services Planning Technician I:

Knowledge of:

Administrative Services Technician II, Knowledge of, Continued:

Principles, practices and trends in planning and land use related to specific assignment.

Procedures for gathering population and land use a variety of data.

Basic practices of City planning:

Applicable Pertinent Federal, State, and local laws, codes and regulations.

Statistical and engineering practices as applied to planning specific assignment.

Ability to:

Independently research required background information for planning studies.

Conduct special projects and statistical studies.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of responsible technical planning related experience including conducting research, report writing and extensive public contact.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in drafting, graphic design, urban planning, surveying, engineering, mathematics, computer science, the physical sciences or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and/or field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time; working in a field environment around traffic and in uneven terrain; lifting and moving boxes weighing approximately 30 lbs; setting up and tearing down displays, and bending and stooping to take measurements.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-514**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO CHANGE THE CLASS RANGE TABLE FOR THE ELECTRICAL SUPERVISOR FROM RANGE 434 TO RANGE 436.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 Effective April 8, 2003, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 5, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** changes the salary range for Electrical Supervisor from Range 434 to Range 436.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **October 5, 2004**

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RANGE      TITLE

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403    Administrative Office Assistant I (Confidential)

407    Administrative Clerk II (Confidential)  
      Administrative Office Assistant II (Confidential)

408

409

410

411    Administrative Office Assistant III (Confidential)  
      Police Clerk II (Confidential)

412

413    Administrative Technician (Confidential)

414

415    Senior Administrative Office Assistant (Confidential)  
      Secretary

416

417

418    Legal Secretary  
      Systems Technician I

419    Public Information Technician (Confidential)

420    Accountant I (Confidential)  
      Deputy City Clerk  
      Employee Benefits Coordinator  
      Executive Secretary (Represented)  
      Legal Services Technician

421

Exhibit "A"

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RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I Systems Technician II
423	Custodian Supervisor
424	Assistant Planner Buyer Police Facilities Coordinator
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager Systems Technician III
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	Accountant II (Represented) Senior Buyer
429	
430	Associate Planner Community Services Supervisor Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Software Analyst I
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist

RANGE      TITLE

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432    Communications Specialist  
Customer Services Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor  
Water Quality Control Operations Supervisor

433    Organizational Development Specialist

434    Assistant Civil Engineer  
Assistant Traffic Engineer  
Budget Analyst II  
Events Supervisor II  
Environmental Laboratory Supervisor  
Operations Supervisor  
Regulatory Compliance Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Senior Programmer Analyst  
Software Analyst II  
Systems Engineer I

435    Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst

436    **Electrical Supervisor**  
Senior Planner

437

Exhibit "A"

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RANGE	TITLE
438	Budget Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Senior Business Analyst Software Analyst III Systems Engineer II
439	Administrative Services Officer Community Facilities Districts Administrative Officer
440	Associate Civil Engineer Associate Traffic Engineer Transportation Planner
441	Airport Manager Building Maintenance Superintendent Fire Marshal Fleet Manager Parks Operations Superintendent Parks Planning and Development Manager Recreation Superintendent Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent
442	Customer Services Division Manager Manager of Budget and Financial Analysis Software Analyst IV Supervising Building Inspector Supervising Construction Inspector Systems Engineer III
443	

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RANGE	TITLE
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444	Deputy Chief Building Official Principal Planner
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445	Accounting Division Manager
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446	Water Quality Control Superintendent Information Technology Unit Manager
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447	Business Development Division Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-515**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO CHANGE THE TITLE OF PLANNING TECHNICIAN I/II TO ADMINISTRATIVE SERVICES TECHNICIAN I/II.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective October 5, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the title of Planning Technican I to Administrative Services Technician I at Range 115 and changes the title of Planning Technician II to Administrative Services Technician II at Range 119.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective **October 5, 2004**

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RANGE	TITLE
101	Custodian I
103	Administrative Office Assistant I
104	
105	
106	
107	Administrative Office Assistant II Custodian II Police Clerk I
108	
109	
110	Animal Control Officer I Security Officer Equipment Service Worker I Maintenance Worker I
111	Account Clerk Administrative Office Assistant III Police Clerk II
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Evidence and Property Specialist Maintenance Worker II Production Technician Storeskeeper

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RANGE	TITLE
115	Accounting Technician <b>Administrative Services Technician I</b> Animal Control Officer II Code Enforcement Officer I Community Service Officer I Senior Administrative Office Assistant Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Operations Technician Used Oil Coordinator Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	<b>Administrative Services Technician II</b> Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks Maintenance Mechanic – Pumps Public Information Technician Wastewater Treatment Plant Operator

RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Senior Equipment Operator Traffic Painter Crewleader Water Resource Specialist I Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic Cross Connection Specialist Fire Equipment Mechanic Law Enforcement Academy Recruit Tree Trimmer Crewleader Water Conservation Specialist
123	Airport Maintenance Crewleader Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Environmental Compliance Inspector I Equipment Mechanic Crewleader Laboratory Analyst II Operation and Maintenance Crewleader Planning Assistant Plant Mechanic Water Resource Specialist II
125	Crime Analyst
126	Building Inspector I Coach Mechanic Crewleader Electrician Housing Financial Specialist Housing Rehabilitation Specialist I

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RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Environmental Compliance Inspector II Instrument Repair Technician Senior Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Specialist II Project Coordinator
131	Senior Civil Engineering Assistant
132	Senior Environmental Compliance Inspector
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-516**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Acting City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the following classifications:

1. Water Distribution System Operator
2. Accountant II
3. Maintenance Mechanic – Pumps
4. Senior Construction Inspector
5. Coach Mechanic

Said classifications are being amended to revise the job specifications to more accurately reflect the requirements of the various job classifications. The Coach Mechanic job specification is also being revised to change the title to Heavy Equipment Mechanic.

SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classification of Senior Programmer Analyst. Said classification is no longer being used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## WATER DISTRIBUTION SYSTEM OPERATOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Under general supervision, perform skilled and semi-skilled labor in the full range of assigned duties related to the Water Distribution System. This may include construction, maintenance, repair, and meter reading activities.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff. May exercise technical and functional supervision of other maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities may include, but are not limited to, the following:

#### Essential Functions:

Lay and fit pipelines, make water line taps, install water services, fire hydrants, blow-offs, valves, meters, vaults, boxes, exercise valves, locate and mark services and mains for Underground Service Alert.

Flush water mains and services to maintain a safe, potable water system.

Respond to emergencies including flood, line breaks and overflows, and repair and restore system as required.

Respond to customer water problems including leaks, low water pressure, meter connects and disconnects, and unusual meter readings.

Collect water samples from wells, mains and services for lab testing.

Read and update water distribution maps and as-built plans and blueprints; analyze projected new routes.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Identify and locate service and main leaks for heavy crews; operate pipe locators and gas-sensing equipment; install and inspect backflow devices; raise and maintain water meters above ground.

Excavate trenches and install shoring; back fill trenches with proper material to achieve correct compaction.

Operate construction equipment and power tools such as dump trucks, front-end loaders, tampers, tap machines, pavement saw, cutting torch and welder.

Operate hand-held and office computers to enter and retrieve data; prepare written and computerized records and reports, and review reports for accuracy.

Install street barricades, cones, flags and standards prior to the performance of construction and repair activities; direct and control traffic around work sites.

Tactfully respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques, and tools, and the operational characteristics of mechanical equipment used in the construction, maintenance and repair of water utility facilities and meters.

QUALIFICATIONS (Continued)

Methods and procedures used in monitoring water systems.

Practices for collection of water samples.

Basic arithmetic principles.

Disinfection (chlorination) rules and regulations.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Handle contaminated materials and equipment.

Identify equipment, tools and materials needed for each project.

Fabricate tools and equipment if needed for project.

Identify possible or potential sources of contamination and how to deal with it to ensure a safe water system.

Disassemble water meters, clean meter parts; reassemble meters; test and adjust meters; install and remove meters; check for proper operation of meters.

Perform heavy manual labor, including but not limited to lifting and carrying 100 pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

Use and operate hand tools, mechanical equipment, power tools, and other equipment required for the work in a safe and efficient manner.

QUALIFICATIONS (Continued)

Read and interpret basic maps and blueprints.

Establish and maintain cooperative relationships with those contacted during the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of increasingly responsible experience performing field maintenance duties. Work experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to graduation from High School or possession of a G.E.D. certificate.

License or Certificate

Possession of an appropriate and valid California driver's license.

Possession of a Grade III Water Distribution Operator Certificate issued by the ~~State Department of Health Services American Water Works Association~~ (AWWA) is required within two years ~~48 months~~ of appointment.

Possession of a Backflow Tester Certificate issued by the American Water Works Association (AWWA) is highly desirable.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to heavy traffic and other hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 100 pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.

## ACCOUNTANT II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To perform professional level accounting and auditing work; to record and report financial transactions for the City in accordance with generally accepted accounting principles; to review accounting records for accuracy; and to prepare financial reports, statements, and special financial analyses for both internal and external customers; to review accounting transactions for accuracy and to supervise the activities and staff of the payroll, accounts receivable, or accounts payable function; may supervise the activities and staff of an assigned function.

### SUPERVISION RECEIVED AND EXERCISED

Receives direction from the higher level accounting staff senior level management staff.

May exercise direct supervision over technical and clerical accounting staff.

### DISTINGUISHING CHARACTERISTICS

This is the full journey level class fully trained professional level in the professional accounting series and is distinguished from the I level by the ability to perform the full range of assigned duties with only instruction or assistance as unusual or unique situations arise. Positions in this class also have may be assigned supervisory responsibility over a function and/or staff such as payroll, accounts payable or accounts receivable.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Maintain and reconcile a variety of ledgers and accounts; examine all accounting transactions to ensure for accuracy; correct financial records accounting transactions as necessary.

Assist in monitoring various accounts, verifying availability of funds and classification of expenditures; research and analyze transactions to resolve problems.

Essential Functions: (Continued)

~~Perform comprehensive financial activity studies as directed; Assist in preparing of the annual financial reports for internal as well as external purposes.~~

~~Recommend or implement changes in accounting and auditing systems, policies and procedures.~~

~~Prepare a variety of management financial reports for the Finance Director, City Manager and other City departments.~~

~~Review and evaluate laws, controls, grants and administrative policies for guidelines in performing accounting and fiscal operations.~~

~~Prepare a variety of financial documents and reports.~~

~~Prepare spreadsheets and other account data for the annual audit.~~

~~Prepare clear and concise reports, records, correspondence and other written material.~~

Marginal Functions:

~~Perform related duties as assigned.~~

QUALIFICATIONS

Knowledge of:

~~Generally accepted accounting principles and procedures.~~

~~Governmental accounting principles and practices as it pertains to assigned function.~~

~~Principles and procedures of account classification and auditing.~~

~~Principles of technical financial report preparation.~~

~~Application of generally accepted accounting principles and procedures to a variety of accounting audits, transactions and problems.~~

~~Use of automated financial management systems, spreadsheet applications, word processing, and other related software.~~

Knowledge of: (Continued)

Financial research and report preparation methods and techniques.

Account reconciliation principles.

Principles and practices of organization, administration and personnel management.

Pertinent Applicable Federal, State and local laws, codes and regulations affecting governmental fiscal operations.

Principles of training and supervision.

Technical report writing principles.

Basic statistical techniques.

Ability to:

Apply generally accepted accounting principles to the maintenance of financial accounting transactions and/or auditing of financial records.

Prepare, or assist in the preparation of, a variety of complex financial statements, reports and analyses.

Examine and verify a wide variety of financial documents and reports transactions and make necessary corrections.

Research, analyze and make effective recommendations on accounting work processes and fiscal practices.

Conduct fiscally sound audits of financial records.

Apply Federal, State and local laws and regulations pertaining to accounting and auditing work.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Skill in:

Use of computers, calculators, computer applications and software.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of professional governmental level accounting/ and auditing experience. Experience including in governmental accounting, grant accounting and auditing is desirable.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting or closely a related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending, and stooping for prolonged periods of time and occasional lifting; using various office equipment including a computer screen and keyboard.

## MAINTENANCE MECHANIC – PUMPS

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To perform a variety of skilled and semiskilled tasks in the maintenance, repair and service of water, sewer and storm drain lift stations.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher-level supervisory staff.

May exercise technical supervision over lower level maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Inspect, maintain, troubleshoot, repair and service facilities, machinery and equipment including pumps, valves, motors, engines, compressors and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Read and interpret blueprints; provide input on design blueprints and recommend changes before finalization.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Operate steam cleaner.

Fabricate parts and equipment including mounts, brackets and shields; operate welding and cutting equipment.

Essential Functions: (Continued)

Perform preventive maintenance checks and servicing on equipment; develop maintenance schedules.

Inspect and calibrate gauges and meters; inspect and test air quality analyzers.

Spray pesticides, herbicides and insecticides as required.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Train maintenance staff in confined space entry procedures and lift station maintenance safety procedures.

Maintain inventory of supplies, parts and equipment used in pump station maintenance.

Respond to public concerns regarding water quality problems.

Collect state-mandated water and/or stormwater samples.

Perform plumbing, electrical, and carpentry duties as required.

Keep detailed maintenance records.

Additional duties when assigned to Water:

Operate portable sample pump.

Pack, lubricate, clean and paint pumping equipment and motors.

Flush distribution system to maintain water quality.

~~Initiate well and water distribution system disinfection procedures.~~

~~Maintain and operate chemical feed systems and perform dosage computations.~~

Install, maintain, and calibrate hypochlorinators.

Monitor and maintain Granular Activated Carbon (GAC) filters; assist in removal and replacement of carbon, backwashes as required.

Essential Functions: (Continued)

Monitor and maintain wellhead water treatment units and storage reservoirs.

Perform concrete repair including sawing, pouring, finishing and jack hammering.

Perform call-duty as assigned.

Additional duties when assigned to Collections:

Maintain mechanical seals, lubricate, clean and paint pumping equipment and motors.

Practice the CAL-OSHA required confined space safety rules and regulations when working in confined spaces.

Monitor and maintain wastewater lift station odor control soil filter beds.

Monitor and maintain wastewater lift station chemical injection – odor/corrosion control systems.

Coordinate activities with the Environmental Services Division to inspect, monitor and assess hazardous material spills and illegal discharges into the wastewater and stormwater collection systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.

Safety procedures for confined space entry.

Basic plumbing and electrical principles.

Principles and practices of hydraulics related to pumps.

Practices and techniques of metal cutting and welding.

QUALIFICATIONS (Continued)

Preventive maintenance and inspection methods.

Appropriate safety practices and regulations.

Supervisory Control and Data Acquisition (SCADA) computerized pump control system.

Water and/or stormwater sampling methods.

Additional "Knowledge of" when assigned to Water Division:

Water disinfection procedures.

Safety procedures in handling chlorine.

Additional "Knowledge of" when assigned to Collections:

Confined Space Safety-Entry Procedures.

Safety procedures in handling of chemicals used in odor and corrosion control.

Ability to:

Independently perform a variety of skilled and complex repair, maintenance, servicing, and cleaning tasks involving pumps, motors, and computerized and pneumatic controls.

Read and interpret blueprints.

Perform medium-heavy manual labor, including but not limited to lifting up to 75 pounds, climbing, bending, and stooping.

Troubleshoot and diagnose malfunctions with pumping capacities, pneumatic controls, computerized controls and determine effective course of action for correcting them.

Work in confined work spaces.

Understand and carry out oral and written directions.

Establish and maintain effective working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of experience comparable to a Water Distribution System Operator or a Wastewater Collection System Operator.

Training:

Equivalent to high school diploma or G.E.D. supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California Driver's license. When assigned to Water, must obtain a Class B driver's license with hazardous materials and tank endorsements within 45 days of appointment. Failure to obtain the required license may result in release from probation or termination.

When assigned to Collections:

Possession of a California Water Environmental Association (CWEA) Plant Maintenance-Grade I Certification is desirable.

Possession of a CWEA Mechanical Technologist-Grade II is desirable.

Possession of a CWEA Collections Systems Maintenance Technologist Grade I or II Certification is desirable.

When assigned to Water:

Possession of a Water Distribution Operator Grade III Certification issued by the State of California Department of Health Services is required within two years of appointment. Failure to obtain this certificate may result in demotion to the previously held position (promoted employee) or release from employment (person hired from the outside into a position).

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade I, Water Treatment Plant Operator Certificate issued by the State of California Department of Health Services is

desirable required ~~at the time~~ within one year of appointment. Failure to obtain this certificate may result in demotion to the previously held position (promoted employee) or release from employment (person hired from the outside into a position).

### WORKING CONDITIONS

#### Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

#### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for medium-heavy lifting up to 75 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.

## SENIOR CONSTRUCTION INSPECTOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To perform a variety of public works construction project inspection duties at various stages of alteration and repair; to provide technical assistance to other inspection staff; and to provide information and assistance to the public.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

Exercises functional supervision over construction inspection staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Inspect a variety of public works construction projects for adherence to plans and specifications such as subdivision and major street construction and reconstruction, sidewalks, curbs, and gutters, waterlines, storm drains, sewer lines, sprinkler systems, airport facilities, street lighting facilities, public buildings and structures, parks and park facilities.

Approve construction procedures and authorize the use of construction materials; enforce compliance with approved plans and specifications.

Provide technical assistance and educational programs to other construction inspection staff.

Confer with architects, contractors and the general public in the field and office; explain and interpret requirements and restrictions.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Record amounts of materials used and work performed; prepare necessary reports for progress payments.

Review plans and specifications of assigned project; attend pre-construction conferences as necessary.

Perform a variety of field tests including soil tests and other materials testing.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Evaluate and negotiate contract change orders related to construction.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods; materials, equipment and safety hazards of construction inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

QUALIFICATIONS (Continued)

Materials sampling and estimate procedures.

Engineering mechanics of structures.

Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

Research methods and sources of information related to construction inspection.

Ability to:

Provide technical assistance and supervision to other construction inspection staff.

Understand and interpret engineering plans and specifications and prepare accurate engineering records.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Work independently without supervision.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Use basic computer software programs.

### EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

#### Experience:

Three years of increasingly responsible experience performing construction inspection in a variety of public works or related construction projects, such as preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments; including one (1) year of experience as a Construction Inspector for the City of Modesto in a public agency.

#### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

### WORKING CONDITIONS

#### Environmental Conditions:

Office and field environment; travel from site to site.

#### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) pounds.

~~COACH~~ HEAVY EQUIPMENT MECHANIC

DEFINITION

To maintain and make minor and major repairs to the City's transit coaches-buses and other gas and diesel powered vehicles.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Inspect, diagnose, and locate mechanical difficulties on City transit coachesbuses, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit coachesbuses; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Essential Functions: (Continued)

Diagnose and repair wheel chair lifts, and coin collection equipment.

Make roadside repairs as required.

Maintain work, time, and material records.

Diagnose and repair various electronic and computer controlled devices.

Perform smog certification on City-owned vehicles.

Diagnose and repair emissions systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit coachesbuses and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit coachesbuses.

Safe work practices.

Computers and electronics in vehicle applications.

Ability to:

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools, testers and equipment with skill.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-517**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO REVISE THE JOB SPECIFICATIONS OF MAINTENANCE MECHANIC-PUMPS, SENIOR CONSTRUCTION INSPECTOR, WATER DISTRIBUTION SYSTEM OPERATOR, AND TO CHANGE THE TITLE OF COACH MECHANIC TO HEAVY EQUIPMENT MECHANIC.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective October 5, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the job specifications for Maintenance Mechanic-Pumps remaining at Range 119, Senior Construction Inspector at Range 134, Water Distribution System Operator remaining at Range 116 and changes the title of the Coach Mechanic to Heavy Equipment Mechanic remaining at Range 122.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

QUALIFICATIONS (Continued)

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical appropriate repair needs and estimate the cost and time of repairs.

Occasionally perform heavy lifting of objects up to 100 pounds.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience performing automotive and heavy equipment maintenance and repair duties.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license. Must obtain a Class B commercial California driver's license within 45 days of appointment.

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

EXPERIENCE AND TRAINING GUIDELINES (Continued)

Possession of, or ability to obtain, an appropriate, valid Motor Vehicle Air Conditioning Certification is desirable.

Possession of Certification from the National Institute for Automotive Service Excellence (ASE) in at least three (3) areas in heavy-duty class is required within one year of appointment.

Special Requirements:

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.

WORKING CONDITIONS

Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective **October 5, 2004**

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RANGE	TITLE
101	Custodian I
103	Administrative Office Assistant I
104	
105	
106	
107	Administrative Office Assistant II Custodian II Police Clerk I
108	
109	
110	Animal Control Officer I Security Officer Equipment Service Worker I Maintenance Worker I
111	Account Clerk Administrative Office Assistant III Police Clerk II
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Evidence and Property Specialist Maintenance Worker II Production Technician Storeskeeper

RANGE	TITLE
115	Accounting Technician Animal Control Officer II Code Enforcement Officer I Community Service Officer I Planning Technician I Senior Administrative Office Assistant Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Operations Technician Used Oil Coordinator Wastewater Collection System Operator <b>Water Distribution System Operator</b>
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks <b>Maintenance Mechanic – Pumps</b> Planning Technician II Public Information Technician Wastewater Treatment Plant Operator

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RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Senior Equipment Operator Traffic Painter Crewleader Water Resource Specialist I Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	<b>Heavy Equipment Mechanic</b> Cross Connection Specialist Fire Equipment Mechanic Law Enforcement Academy Recruit Tree Trimmer Crewleader Water Conservation Specialist
123	Airport Maintenance Crewleader Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Environmental Compliance Inspector I Equipment Mechanic Crewleader Laboratory Analyst II Operation and Maintenance Crewleader Planning Assistant Plant Mechanic Water Resource Specialist II
125	Crime Analyst
126	Building Inspector I Coach Mechanic Crewleader Electrician Housing Financial Specialist Housing Rehabilitation Specialist I

RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Environmental Compliance Inspector II Instrument Repair Technician Senior Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Specialist II Project Coordinator
131	Senior Civil Engineering Assistant
132	Senior Environmental Compliance Inspector
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector <b>Senior Construction Inspector</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-518**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO DELETE THE CLASSIFICATION OF SENIOR PROGRAMMER ANALYST AND TO REVISE THE CLASSIFICATION OF ACCOUNTANT II (REPRESENTED).**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:-

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 effective April 8, 2003, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 5, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** deletes the classification of Senior Programmer Analyst at Range 434 and revises the job specification for Accountant II remaining at Range 428.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **October 5, 2004**

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RANGE      TITLE

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403    Administrative Office Assistant I (Confidential)

407    Administrative Clerk II (Confidential)  
      Administrative Office Assistant II (Confidential)

408

409

410

411    Administrative Office Assistant III (Confidential)  
      Police Clerk II (Confidential)

412

413    Administrative Technician (Confidential)

414

415    Senior Administrative Office Assistant (Confidential)  
      Secretary

416

417

418    Legal Secretary  
      Systems Technician I

419    Public Information Technician (Confidential)

420    Accountant I (Confidential)  
      Deputy City Clerk  
      Employee Benefits Coordinator  
      Executive Secretary (Represented)  
      Legal Services Technician

421

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I Systems Technician II
423	Custodian Supervisor
424	Assistant Planner Buyer Police Facilities Coordinator
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager Systems Technician III
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	<b>Accountant II (Represented)</b> Senior Buyer
429	
430	Associate Planner Community Services Supervisor Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Software Analyst I
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist

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RANGE	TITLE
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432	Communications Specialist Customer Services Supervisor Neighborhood Preservation Supervisor Operations and Maintenance Supervisor Recreation Supervisor II Senior Accountant Water Quality Control Maintenance Supervisor Water Quality Control Operations Supervisor
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433	Organizational Development Specialist
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434	Assistant Civil Engineer Assistant Traffic Engineer Budget Analyst II Electrical Supervisor Events Supervisor II Environmental Laboratory Supervisor Operations Supervisor Regulatory Compliance Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Software Analyst II Systems Engineer I
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435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
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436	Senior Planner
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437	
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RANGE      TITLE

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- 438    Budget Officer  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      Software Analyst III  
      Systems Engineer II
- 439    Administrative Services Officer  
      Community Facilities Districts Administrative Officer
- 440    Associate Civil Engineer  
      Associate Traffic Engineer  
      Transportation Planner
- 441    Airport Manager  
      Building Maintenance Superintendent  
      Fire Marshal  
      Fleet Manager  
      Parks Operations Superintendent  
      Parks Planning and Development Manager  
      Recreation Superintendent  
      Solid Waste Program Manager  
      Streets Engineer  
      Transit Manager  
      Urban Forestry Superintendent  
      Wastewater Collections Superintendent  
      Water Superintendent
- 442    Customer Services Division Manager  
      Manager of Budget and Financial Analysis  
      Software Analyst IV  
      Supervising Building Inspector  
      Supervising Construction Inspector  
      Systems Engineer III
- 443
- 444    Deputy Chief Building Official  
      Principal Planner
- 445    Accounting Division Manager

RANGE	TITLE
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446	Water Quality Control Superintendent Information Technology Unit Manager
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447	Business Development Division Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-519**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 1, 2003 AND RESCINDING RESOLUTION NO. 2002-307 AND 2003-81A AND AMENDING EXHIBIT A OF RESOLUTION NO. 2003-331 EFFECTIVE JUNE 30, 2003," TO REVISE THE CLASS RANGE TABLE FOR THE JOB SPECIFICATION FOR ACCOUNTANT II (UNREPRESENTED).**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to amend Resolution No. 2003-330,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330. **Exhibit "A"** entitled "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective July 1, 2003" attached to Resolution No. 2003-330, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective October 5, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the job specification for Accountant II remaining at range 2428.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **October 5, 2004**

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RANGE	TITLE
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2419

2420 Executive Secretary – Personnel and City Manager's Offices

2421

2422

2423

2424

2425 Executive Assistant  
Paralegal

2426

2427

2428 **Accountant II- in City Clerk's office**

2429

2430

2431 Equal Opportunity Officer

2432

2433

2434

2435

2436

2437 Deputy City Attorney I

2438

RANGE      TITLE

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2439 Employee Relations Specialist

2440

2441 Assistant Personnel Director  
Deputy City Attorney II

2442

2443 Senior Deputy City Attorney I

2444 Risk Manager

2445

2446

2447

2448

2449 Senior Deputy City Attorney II

2450

2451

2452 Deputy Chief Information Officer  
Deputy Director – Cultural and Enterprise Services  
Deputy Director – Engineering & Transportation  
Deputy Director of Finance  
Deputy Director – Operations and Maintenance  
Deputy Director – Recreation and Neighborhoods

2453

2454

2455 Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 520**

**A RESOLUTION APPROVING THE ADDITION OF ONE NEW POLICE  
OFFICER POSITION IN THE MODESTO POLICE DEPARTMENT TO SERVE  
AS THE RECRUIT TRAINING OFFICER AT THE REGIONAL ACADEMY  
TRAINING CENTER**

WHEREAS, the Modesto Police Department budgeted \$85,000 in the 2004/05 budget for overtime in the Operations Division of the Police Department to pay for backfill duties of a Recruit Training Officer for the Training Academy, and

WHEREAS, a Recruit Training Officer is a necessity for the programs of the Regional Academy Training Center, and

WHEREAS, the \$85,000 would be better spent for a position than on backfill overtime for the various duties of the position, and

WHEREAS, there will be only one person in the position and he or she will not be paid overtime as he or she will be on regular duty time, and

WHEREAS, this new position will be a part of the Training Unit in the Support Division of the Police Department and when not required by the Training Center, will work in Training or in general Patrol, which is always in need of officers, and

WHEREAS, the actual Recruit Training Officer will be an experienced Modesto Police Officer and this new position will allow for his or her backfill, and

WHEREAS, this action is fiscally neutral and can be accomplished with an appropriation transfer, and

WHEREAS, the Safety and Communities Committee unanimously supported this action at its meeting of September 8, 2004 and the Finance Committee recommended this action at its meeting of September 27, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves one new Police Officer position in the Modesto Police Department to serve as a Recruit Training Officer at the Regional Academy Training Center.

BE IF FURTHER RESOLVED that City staff is hereby authorized to hire one new Police Officer.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

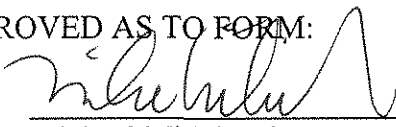
ABSENT: Councilmembers: None

ATTEST:

  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:



Michael Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-521**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN THE OLYMPIC PARK NO. 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, DAVANTE VILLAS, a California Limited Partnership by NOVA DEVELOPMENT GROUP LLC, a California Limited Liability Company, is the subdivider of the Olympic Park No. 1 Subdivision, and

WHEREAS, DAVANTE VILLAS, a California Limited Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$66,000.00 and \$33,000.00, respectively, and

WHEREAS, DAVANTE VILLAS, a California Limited Partnership, has filed a warranty security in the amount of \$6,600.00 to guarantee improvements in the Olympic Park No. 1 Subdivision, and

WHEREAS, the City Engineer, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in the Olympic Park No. 1 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision security for faithful performance in the amount of \$66,000.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision security for labor and materials in the amount of \$33,000.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty security to guarantee improvements in the amount of \$6,600.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

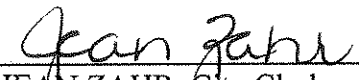
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-522**

**A RESOLUTION APPROVING AN UPDATE TO THE DISADVANTAGED  
BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED  
STREET, AIRPORT, AND TRANSIT PROJECTS**

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City adopt a Disadvantaged Business Enterprise (DBE) Program to be eligible to receive federal highway, airport, and transit funds, and

WHEREAS, Caltrans has tentatively approved the draft City of Modesto DBE Program for federally funded streets projects, contingent upon Council adopting the program, and

WHEREAS, the recommended overall goal for Modesto in the upcoming year is seven (7%) percent DBE participation, and

WHEREAS, in order to continue to receive federal funding for street, airport and transit projects, the City must adopt a DBE Program consistent with federal regulations and receive approval, and

WHEREAS, the City of Modesto has requested public comments regarding the DBE Program, and none were received,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto DBE Program for federally funded streets and transit projects is hereby approved and adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-523**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY UP TO  
\$2,000 FOR PARTICIPATION IN THE UNIFIED CERTIFICATION PROGRAM  
(UCP) FOR CERTIFYING DISADVANTAGED BUSINESS ENTERPRISES  
(DBE) CONTRACTORS**

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City participate in the California Unified Certification Program (UCP) in order to continue to receive federal highway and transit funding, and

WHEREAS, the California UCP Board screens and certifies potential disadvantaged business contractors, and

WHEREAS, the California UCP Board estimates a cost of \$2,000 per agency for participation in the UCP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to pay up to \$2,000 for participation in the Unified Certification Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 524**

**A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH  
FORESIGHT CONSULTING FOR THE REVISED SCOPE OF WORK  
RELATED TO THE WATER AND WASTEWATER USER FEE AND  
INFRASTRUTURE FEE STUDY AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE THE SAME**

WHEREAS, in December 2003, Foresight Consulting was selected to conduct the Water and Wastewater User Fee and Infrastructure Fee Study, and

WHEREAS, a revised Scope of Work has been requested by the Water Task Force, and an amendment to the agreement with Foresight Consulting is required to complete the revised scope of work, and

WHEREAS, the cost of the revised scope of work is \$232,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the agreement with Foresight Consulting, in the amount of \$232,500 for services related to the Water and Wastewater User Fee and Infrastructure Fee Study,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 525**

**A RESOLUTION APPROVING AN AMENDMENT TO THE BUDGET TO  
APPROPRIATE FUNDS FROM THE WATER FUND RESERVES FOR THE  
REVISED SCOPE OF WORK RELATED TO THE WATER AND  
WASTEWATER USER FEE AND INFRASTRUTURE FEE STUDY**

WHEREAS, in December 2003, Foresight Consulting was selected to conduct the Water and Wastewater User Fee and Infrastructure Fee Study, and

WHEREAS, a revised Scope of Work has been requested by the Water Task Force, and an amendment to the agreement with Foresight Consulting is required to complete the revised scope of work at the cost of \$232,500, and

WHEREAS, the budget needs to be amended to transfer funds from the Water Fund Reserves to fully pay for the cost the contract amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the budget amendment for services related to the Water and Wastewater User Fee and Infrastructure Fee Study,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-526**

**A RESOLUTION ADOPTING THE CITY OF MODESTO EQUAL  
OPPORTUNITY PLAN FOR FISCAL YEARS 2003-04 THROUGH 2007-08.**

WHEREAS, City staff has recommended to the Council the adoption of an Equal Opportunity Plan for Fiscal Years 2003-04 through 2007-08, a copy of said Plan is on file in the office of the City Clerk, and

WHEREAS, said plan contains the City's plans and objectives which have been developed in accordance with existing laws in an effort to ensure that minorities, women, disabled individuals and other groups are afforded equal opportunity, and

WHEREAS, the Equal Opportunity Plan is provided to Council as a five-year blueprint for workforce objectives relative to ethnicity and gender. This report sets forth the guidelines to be used by the City to measure annual progress towards those objectives set for Fiscal Years 03/04 through 07/08, and

WHEREAS, the City is fully committed to the effective implementation of the Equal Opportunity Plan, and to continued progress toward the achievement of its objectives,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the City of Modesto Equal Opportunity Plan for Fiscal Years 2003-04 through 2007-08.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

By Reso No. 2006-061

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-527**

**A RESOLUTION AMENDING RESOLUTION 99-385 AND AMENDING  
RESOLUTION 98-27 AND AMENDING RESOLUTION 2001-124 TO PROVIDE  
FOR THE DEFERRAL AND EXEMPTION OF CAPITAL FACILITIES FEES**

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code sections 8-1.904 et seq., creating and establishing the authority for imposing and charging capital facilities fees; and

WHEREAS, the current capital facilities fees for residential development are set forth in Resolution No. 2003-310; and

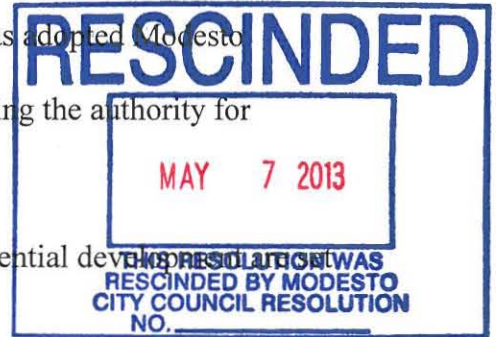
WHEREAS, on January 17, 2001, the Community Development and Housing Committee of the City Council recommended to the City Council that the City's Capital Facilities Fee Program be amended to provide for the deferral and exemption of capital facilities fees in certain cases.

WHEREAS, on April 27, 2004, the City Council of the City of Modesto adopted Resolution Number 2004-233 updating the Housing Element of the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto Housing Element contains goals, policies and programs for the development and preservation of housing that is affordable to very-low- and low-income households, and

WHEREAS, Housing Element Goal Number 5 "Reduce Governmental Constraints" includes Policy 5.2 to continue to provide financial incentives such as fee deferral and exemptions for developments meeting the affordable and special housing needs of the community, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 99-385 is hereby amended to



2013-177

add the following, and Resolution No. 98-27 and Resolution N. 2001-124 is hereby amended to read as follows:

EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

- (a) The Capital Facilities Fees (CFF) established by this resolution shall not be imposed on any of the following:
1. Any low income housing units constructed or expanded by the Housing Authority of the County of Stanislaus or any entity in which the Housing Authority is a major partner.
  2. Any low income or special needs housing, as identified in the Housing Element, constructed or expanded by any other person or entity. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact "low income". As used in this subparagraph and the preceding subparagraph, the term "low income housing" shall mean: housing at rents affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development. The term for the CFF exemption would be the term of the period deemed low income.
  3. For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.
  4. Any alteration or addition to a residential structure, except to the extent that additional units are created.
  5. Any replacement or reconstruction of a residential structure existing on November 21, 1989 that has been destroyed or demolished since that time.
  6. Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.

7. Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.
8. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph, the term "single-family affordable housing unit" shall mean a single-family home purchased by a homebuyer earning sixty percent (60%) or less of Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence. The homebuyer would be granted a full CFF exemption provided there is no resale or refinance for ten (10) years. If a resale or refinance should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon.

The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF exemption would be transferred to the homebuyer at the time purchase. The homebuyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

- (b) Any alteration or change of use of an existing building shall not trigger the payment of CFF, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for a non-residential structure is created, CFF shall be due for the additional units or square footage only.
- (c) Rather than paying CFF at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

1. There shall be two (2) categories of qualified projects defined as follows:
  - a. Category "A" qualified project shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF exceed \$150,000.00. Category "A"

qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$50,000.00.

- b. Category "B" qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than \$25,000.00 but less than \$150,000.00. Category "B" qualified projects shall also include industrial warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than \$25,000.00 but less than \$50,000.00.
2. Other projects which may be designated by the City Council as "qualified projects," are privately constructed projects on the City/Council Airport where the CFF exceeds \$5,000.00.
  3. The property owner and/or developer in the case of "Category 'A' qualified projects" may enter into Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principle and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or the transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the CFF due through property tax assessment.

4. For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or construction or installation of a public

improvement, the cost of which is eligible as a credit toward the payment of CFF.

(d) Rather than paying CFF at the time the building permit is issued for the construction of a single-family affordable housing unit, the developer may elect to defer payment of all or a portion of those fees on the following:

1. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph and the preceding subparagraph, the term “single-family affordable housing unit” shall mean a single family home purchased by a homebuyer earning between sixty-one percent (61%) and eighty percent (80%) Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence.

The homebuyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid over a ten (10)-year period with five percent (5%) interest rate on the unpaid balance. The deferral authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF deferral would be transferred to the homebuyer at the time of purchase. The homebuyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney. If a resale or refinance should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk  
*for*

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-528**

**RESOLUTION APPROVING A \$10,000.00 DONATION TO THE UNITED WAY OF STANISLAUS COUNTY FOR THE PURPOSE OF CONDUCTING AN AFTER-SCHOOL AND RELATED PROGRAMS STUDY AND AUTHORIZING THE ACTING CITY MANAGER TO ISSUE THIS DONATION.**

WHEREAS, there are as many as 500 to 1000 after-school and related programs in Stanislaus County that are designed to provide opportunities for children and youth aged 6 to 18, and

WHEREAS, these are programs that operate outside of regular school hours, either before or after school, on weekends or holidays or during breaks between school sessions, and

WHEREAS, these after-school and related programs provide children and youth with educational activities, life enrichment experiences, sports and recreational opportunities, and supports if they have special needs or life challenges, and

WHEREAS, these programs are available throughout the county and are provided by a variety of organizations including schools, government agencies such as park and recreation departments, churches and faith based organizations, and community-based organizations, and

WHEREAS, these programs may be small and localized like a family resource center or provide extensive activities throughout the county such as the YMCA, and

WHEREAS, the inventory will be produced in the form of a database suitable for integration into the existing database maintained by the United Way of Stanislaus County, and

WHEREAS, additionally, a short 5 to 10 page report will be prepared summarizing the detailed inventory, and

WHEREAS, included in this report will be a series of maps and related data of youth aged 6 to 18 in Stanislaus County, and

WHEREAS, these data will provide estimates of the number of children and youth for 2005 and be disaggregated by age group (elementary, middle school and high school ages), race/ethnicity, in-school and not-in-school, and, for high school-aged youth, estimates of the number of youth with jobs, and

WHEREAS, these data will help provide better understandings of need and potential gaps in the provision of after-school and related programs, and

WHEREAS, on September 27, 2004 the Finance Committee met and recommended support for this item,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby approves the donation of \$10,000.00 to the United Way of Stanislaus County for the purpose of conducting an After-School and Related Programs Study.


BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to issue the donation to the United Way of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

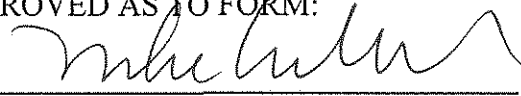
AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-529**

**A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND MUNICIPAL RESOURCE  
CONSULTANTS, AN MBIA SERVICES COMPANY**

WHEREAS, Municipal Resources Consultants, an MBIA Services Company has submitted an Amendment to their contract between MBIA and City of Modesto, and

WHEREAS, Amendment No. 2 to the MBIA contract allows MBIA to recover revenues otherwise lost to the City of Modesto, paying MBIA 43% of discovery up to \$250,000 per year for fees and services, and

WHEREAS, the Finance Committee met on September 27, 2004, and directed staff to seek City Council approval of the amendment to the contract,

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 2 of the contract between MBIA Municipal Resources Consultants, an MBIA Services Company and the City of Modesto, is hereby approved.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to execute said Amendment.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

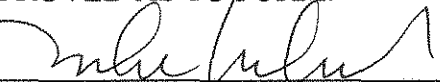
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 530**

**A RESOLUTION REINSTATING THE POSITION OF FINANCE DIRECTOR  
TO THE FINANCE DEPARTMENT AND AMENDING THE FISCAL YEAR  
2004-2005 BUDGET TO TRANSFER APPROPRIATIONS TO FULLY FUND  
THE POSITION**

WHEREAS, as part of the fiscal year FY04-05 budget reductions, the City Manager eliminated the position and reduced the budget for the Finance Director, and

WHEREAS, the Acting City Manager is recommending that the Finance Director position be reinstated and the Finance Department's budget be increased to fully fund this position,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the reinstatement of the Finance Director position to the Finance Department.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby amends the Finance Department's budget by transferring \$146,536 from the General Fund Reserves Account #0100-800-8000-8003 to the Finance Operating Budget Account #0100-120-1201-0181.


BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

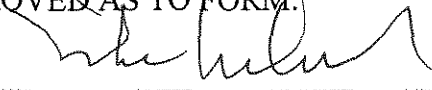
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By:   
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 531**

**A RESOLUTION AUTHORIZING THE LEASE PURCHASE OF TWO (2) JOHN DEERE 644J WHEEL LOADERS UNDER THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES, CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) CONTRACT FROM NORTRAX WEST OF FRENCH CAMP, CA. FOR A TOTAL ESTIMATED COST OF \$450,982.20, WHICH WILL BE PAID OUT IN FIVE (5) ANNUAL INSTALLMENTS OF \$90,196.44.**

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division have requested the lease purchase of two (2) John Deer 644J wheel loader with preventive maintenance, and

WHEREAS, these units will replace the wheel loaders in operation at the City's Composting Facility that have become unreliable and are costly to keep operational, and

WHEREAS, these units have met their life expectancy and funds are available to begin the lease purchase, and

WHEREAS, the loaders play an important role in the City's composting operations as they are used in almost every aspect of the composting process, and

WHEREAS, on a daily basis, the loaders are used to move large quantities of green waste, load materials into grinders, and place ground-up material into rows to be composted, and

WHEREAS, the current loaders were purchased in 1997 and have been used for over 12,000 hours each, and

WHEREAS, the useful life of this type of loader under normal circumstance is 10,000 hours and even less when operated in extreme or dusty environments, and

WHEREAS, the City's composting site is an extremely dusty and harsh environment that wears very heavily on the equipment, and

WHEREAS, due to the age and wear on the loaders staff has seen an increase in the amount of time the equipment is out of service and in need of repairs, and

WHEREAS, since 2001 over \$230,000 has been spent to repair the loaders which helps increase compost production costs, and

WHEREAS, with the purchase of new loaders it is anticipated that required maintenance costs will decrease and compost productivity will increase, and

WHEREAS, the Purchasing Division and the Public Works Department staff have evaluated lease-purchase quotations based on CMAS pricing for two loaders, with preventive maintenance from Holt of California and Nortrax West, and

WHEREAS, Nortrax West is the lowest responsive and responsible bidder with an estimated total cost of \$450,982.20 for two loaders, with includes preventive maintenance, and

WHEREAS, the pricing received from Nortrax West is based upon the California Multiple Award Schedule (CMAS), General Services Administration, statewide contract pricing, and

WHEREAS, by “piggybacking” off the CMAS contract, the City will be receiving the lowest possible price for the equipment needed, and

WHEREAS, Nortrax West, French Camp, California is the closest authorized dealer for this equipment, and

WHEREAS, the total estimated total cost consists of \$417,633.10 for the lease-purchase of the two loaders, and \$46,724.71 for the preventive maintenance, plus a lease-purchase interest rate of 4.50 percent, and

WHEREAS, the combined annual five (5) installment payments for the lease-purchase and preventive maintenance is \$90,196.44, and

WHEREAS, the Modesto Municipal Code (MMC) generally requires all purchases exceeding \$50,000 for material and equipment of this type to be formally bid, and

WHEREAS, per MMC Section 8-3.204 (d) the Purchasing Supervisor may determine that a processes other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, by piggybacking off the state CMAS contract, the purchase of this equipment will confirm to MMC Section 8-3204 (d),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order and contract in the amount of \$450,982.20 for a lease-purchase agreement with Nortrax West for two (2) John Deere 644J wheel loaders, payable in five (5) annual installment payments of \$90,196.44 each.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the lease-purchase agreement.

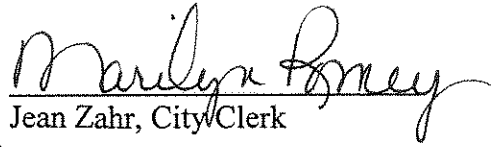
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 532**

**A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO TRANSFER \$66,089 FROM ACCOUNT NUMBER 7210-800-8000-8003 AND \$24,107.43 IN ACCOUNT NUMBER 6290-480-5222-0223 INTO ACCOUNT NUMBER 6290-480-5222-59000 AND AMEND THE BUDGET TO APPROPRIATE THESE FUNDS FOR THE PURCHASE OF TWO (2) JOHN DEERE 644J WHEEL LOADERS WITH PREVENTIVE MAINTENANCE FOR A TOTAL ESTIMATED COST OF \$450,982.20, PAYABLE IN FIVE (5) ANNUAL INSTALLMENT PAYMENTS OF \$90,196.44.**

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division had requested the purchase of two (2) John Deere 644J wheel loaders, and

WHEREAS, the loaders play an important role in the City's composting operations as they are used in almost every aspect of the composting process, and

WHEREAS, Nortrax West is the lowest responsive and responsible bidder at an estimated cost of \$450,982.20 for two (2) loaders, which includes preventive maintenance, and

WHEREAS, said amount is payable in five (5) annual installment payments of \$90,196.44 each, and

WHEREAS, Council desires to amend the budget for said purchase,

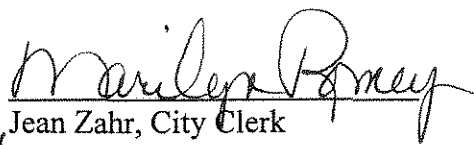
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to transfer \$66,089 from account number 7210-800-8000-8003 and \$24,107.43 from account number 6290-480-5222-0223 into account number 6290-480-5222-5900 and to amend the budget to appropriate these funds for the purchase of two (2) John Deere 644J wheel loaders.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 532**

**A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO TRANSFER \$66,089 FROM ACCOUNT NUMBER 7210-800-8000-8003 AND \$24,107.43 IN ACCOUNT NUMBER 6290-480-5222-0223 INTO ACCOUNT NUMBER 6290-480-5222-59000 AND AMEND THE BUDGET TO APPROPRIATE THESE FUNDS FOR THE PURCHASE OF TWO (2) JOHN DEERE 644J WHEEL LOADERS WITH PREVENTIVE MAINTENANCE FOR A TOTAL ESTIMATED COST OF \$450,982.20, PAYABLE IN FIVE (5) ANNUAL INSTALLMENT PAYMENTS OF \$90,196.44.**

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division had requested the purchase of two (2) John Deere 644J wheel loaders, and

WHEREAS, the loaders play an important role in the City's composting operations as they are used in almost every aspect of the composting process, and

WHEREAS, Nortrax West is the lowest responsive and responsible bidder at an estimated cost of \$450,982.20 for two (2) loaders, which includes preventive maintenance, and

WHEREAS, said amount is payable in five (5) annual installment payments of \$90,196.44 each, and

WHEREAS, Council desires to amend the budget for said purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to transfer \$66,089 from account number 7210-800-8000-8003 and \$24,107.43 from account number 6290-480-5222-0223 into account number 6290-480-5222-5900 and to amend the budget to appropriate these funds for the purchase of two (2) John Deere 644J wheel loaders.

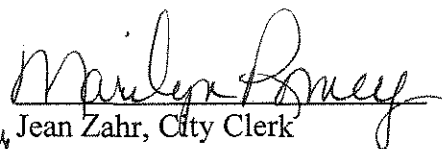
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
for Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-533**

**A RESOLUTION AUTHORIZING THE AGENCY-APPROVED CONSULTANT (GARTNER GROUP), TO ISSUE A FORMAL REQUEST FOR PROPOSAL (RFP) FOR INTEGRATED PUBLIC SAFETY SYSTEMS.**

WHEREAS, in December 2003, the Joint Powers Agency (JPA) approved a project not to exceed \$90,000 with Gartner Consulting to select a replacement/upgrade system for our Computer Aided Dispatch System (CAD), and

WHEREAS, this project represented a joint effort between the City and the County, with costs to be shared equally, and

WHEREAS, subsequently City Police and Fire organizations decided to expand the scope of this project to include a fully Integrated Public Safety System that would ensure optimum results for our City of Modesto Public Safety organizations, and

WHEREAS, this project has been under way since May and we are now ready to release an RFP, and

WHEREAS, cost estimates for the CAD & Integrated Public Safety System are approximately \$3-1/2 to 5 million dollars, of which approximately \$3 to 3-1/2 million will be City responsibility, and

WHEREAS, funding sources for the project are yet to be determined, but we are continuing to jointly (City and County) pursue several possible funding sources for the implementation phase of this project, including Local, State, and Federal grants.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the JPA's Consultant, Gartner Group, to issue a formal request for proposal (RFP) for Integrated Public Safety Systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 534**

**A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR  
PROFESSIONAL SERVICES WITH INDEPENDENT SOLUTIONS, AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT**

WHEREAS, on February 23<sup>rd</sup>, 2004, the City of Modesto entered into an Agreement for Professional Services with Independent Solutions, for a not-to-exceed amount of \$480,000, and

WHEREAS, the City has determined that additional services will be needed after the expiration of the original Agreement, and

WHEREAS, all contracts over the amount of \$50,000, are required to be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to Agreement for Professional Services with Independent Solutions in the form attached hereto is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-535**

**ADOPT A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR  
TO FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR INET  
EQUIPMENT PURCHASES IN THE APPROXIMATE AMOUNT OF \$150,000.**

WHEREAS, as part of the City of Modesto's franchise agreement with Comcast, Comcast is to develop a citywide fiber INET to be utilized by the City of Modesto and several participating school districts, and.

WHEREAS, the construction of the INET has begun and is scheduled to be completed by the Spring of 2005, and

WHEREAS, the INET will not be functional until the City and its participants are able to acquire and install equipment that will allow communications to flow between facilities connected to the INET, and

WHEREAS, staff anticipates the total costs to "light up" the INET to be approximately \$800,000 to \$1,200,000 (depending upon which INET capabilities we choose to take advantage of), and

WHEREAS, during FY03/04 staff encumbered a portion of the total project cost in anticipation of purchasing several of the necessary pieces of equipment, specifically the Modesto Fire Department (MFD) encumbered \$150,000 in funding for the purchase of INET equipment, and

WHEREAS, The Modesto Municipal Code generally requires all purchases exceeding \$50,000 for material and equipment of this type to be formally bid. This request for authorization to formally solicit bids for INET equipment conforms to code, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves for the City Clerk to advertise the call for bids.


BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves The Purchasing Division, along with representatives from the Information Technology Department to evaluate the bids and then present a request for award to the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-536**

**A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 (PROPOSITION 40) AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS.**

WHEREAS, the people of the State of California have enacted the Per Capita Grant Program which provides funds for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Applicant to apply for the Per Capita Allocation, and

WHEREAS, the Applicant will enter into a Contract with the State of California, and

WHEREAS, the City of Modesto's share of the Per Capita funds is \$873,000, which the City now desires to encumber,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the filing of an Application for local assistance funds from the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

BE IT FURTHER RESOLVED that the Council certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project.

BE IT FURTHER RESOLVED that the Council certifies that the City of Modesto has reviewed, understands and agrees to the General Provisions contained in the Contract shown in the Procedural Guide.


BE IT FURTHER RESOLVED that the Council appoints the City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, payment requests and so on, which may be necessary for the completion of Project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

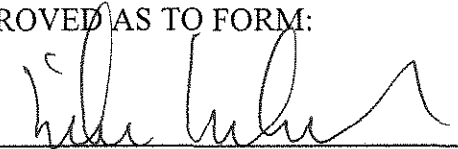
AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-537**

**A RESOLUTION DIRECTING STAFF TO INSTALL THE SKYLOGIX SYSTEM AT DOWNEY PARK TENNIS COURTS, AUTHORIZING STAFF TO PURSUE THE SKYLOGIX SYSTEM FOR TENNIS COURT LIGHTING AT ALL LIGHTED TENNIS COURTS AT CITY PARKS, AND AUTHORIZING STAFF TO TURN ON LIGHTING AT DOWNEY COMMUNITY PARK WHILE THE SKYLOGIX SYSTEM IS BEING INSTALLED AT DOWNEY PARK.**

WHEREAS, due to the budget challenges facing the City of Modesto and the State of California in general, during the past fiscal year's budget meetings, the Modesto City Council made the decision, based on staff recommendation, to turn the lights off at all tennis courts in the Parks System, and

WHEREAS, City staff has received a few complaints from citizens and organizations that are interested in getting the lights turned back on, and

WHEREAS, in response to those complaints and the City Council request that staff return with recommendations, three options were studied for recovering costs from users for the lighting, in order to turn them back on, and

WHEREAS, staff believes that the SkyLogix System would be the most feasible option to pursue and would allow for the most flexibility and closest control of the use of the facility, allowing for the best control of cost recovery, and

WHEREAS, the Finance Committee met on October 4, 2004, and supported the recommendation to turn the lights back on at the tennis courts at Downey Park and to pursue lighting systems, and

WHEREAS, the Finance Committee further recommended that the SkyLogix system be installed at the tennis courts at Downey Park as a test site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to install the SkyLogix system at Downey Park tennis courts.

BE IT FURTHER RESOLVED that the Council authorizes staff to pursue the SkyLogix system for tennis court lighting at all lighted tennis courts at City Parks.


BE IT FURTHER RESOLVED that the Council authorizes staff to turn on lighting at Downey Community Park while the SkyLogix system is being installed at Downey Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-537A**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM TO ESTABLISH A PARK FUND OPERATING ACCOUNT, TENNIS COURT LIGHTING SYSTEMS, AND TRANSFERRING \$8,000 FROM THE PARK FUND RESERVE 1400-800-8000-8003 TO THIS PROJECT.**

WHEREAS, due to the budget challenges facing the City of Modesto and the State of California in general, during the past fiscal year's budget meetings, the Modesto City Council made the decision, based on staff recommendation, to turn the lights off at all tennis courts in the Parks System, and

WHEREAS, staff now desires to install a lighting system that will allow for recovery of costs, and

WHEREAS, staff is recommending the SkyLogix system, with an approximate cost of \$7,100 per site, and

WHEREAS, the Safety and Communities Committee met on October 4, 2004, and recommended that this system be installed at the tennis courts at Downey Community Park as a test site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Capital Improvement Program, establishing a Park Fund operating account, Tennis Court Lighting Systems, and transferring \$8,000 from the Park Fund Reserve 1400-800-8000-8003 to this project.

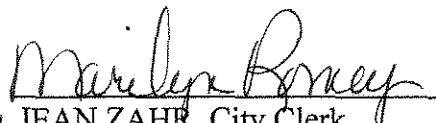
BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-538**

**A RESOLUTION APPROVING A LEASE AGREEMENT WITH MICHAEL AND  
KIMBERLY WILLIAMS FOR 4205 GOMES ROAD AND AUTHORIZING THE  
ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City of Modesto owns a residential property located at 4205  
Gomes Road in Modesto, and

WHEREAS, the property is now vacant, and

WHEREAS, staff has found Michael and Kimberly Williams to be suitable  
tenants, and

WHEREAS, the monthly rent is \$1,400, with an annual increase of \$25 per  
month,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the Council hereby approves the lease agreement between the City and Michael and  
Kimberly Williams for the property at 4205 Gomes Road.


BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is  
hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 539**

**RESOLUTION APPROVING AND ADOPTING THE WATER SUPPLY ASSESSMENT (WSA) PREPARED FOR THE PROPOSED PROMENADE DEVELOPMENT (PROJECT), LOCATED ON DALE ROAD BETWEEN SNYDER AVENUE AND VENEMAN AVENUE, WHICH HAS DETERMINED THAT AN ASSURED WATER SUPPLY FOR THE PROJECT CAN BE MADE ON THE CONDITION AT LEAST ONE OF THE PLANNED NEW WELLS BEING DEVELOPED IN THE VICINITY OF THE PROJECT IS IN PRODUCTION BY THE COMPLETION OF THE PROJECT**

WHEREAS, Senate Bill 610 (SB 610) requires water suppliers to conduct Water Supply Assessment (WSA) studies for projects meeting the legislative criteria to determine if a sufficient water supply is available to meet the demands of the project, and requires the governing legislative body to approve and adopt such assessments, and

WHEREAS, the City of Modesto received a request to conduct a WSA for the proposed approval of the Promenade development (“Project”), and

WHEREAS, Public Works staff completed a WSA for the Project, and

WHEREAS, a determination was made that an assured water supply for the project can be made on the condition that at least one of the planned new wells being developed in the vicinity of the Project is in production by the completion of the Project, located on Dale Road between Snyder Avenue and Veneman Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Water Supply Assessment for the proposed Promenade development is hereby approved and adopted.

BE IT FURTHER RESOLVED that an adequate water supply is available to meet the demands of the proposed Promenade development, and that the WSA for the

proposed Promenade development provides substantial evidence to support this determination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Marilyn Boney  
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 – 540**

**A RESOLUTION ESTABLISHING A T-HANGAR USE POLICY TO CREATE  
CONSISTENT GUIDELINES FOR T-HANGAR USE.**

WHEREAS, the Modesto City-County Airport owns T-hangars that are leased to airport tenants who own aircraft, and

WHEREAS, the Airport Advisory Committee requested a review of the airport's existing position on proper T-hangar use, and

WHEREAS, there is no existing written T-hangar Use Policy, and

WHEREAS, the Airport Advisory Committee directed staff to prepare a Draft T-hangar Use Policy defining reasonable and appropriate use of T-hangars, and

WHEREAS, the Draft T-hangar Policy was approved by the Airport Advisory Committee at their May 19, 2004 meeting, and

WHEREAS, the Draft T-hangar Policy was posted on the Modesto City-County Airport website and local pilots' gathering center for public viewing and received no adverse comments, and

WHEREAS, the Draft T-hangar Use Policy was presented to the Economic Development Committee at their September 13, 2004 meeting where it was approved, and

WHEREAS, on October 12, 2004 the City Council considered the Draft T-hangar Use Policy,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the T-hangar Use Policy for managing the use of T-hangars at the

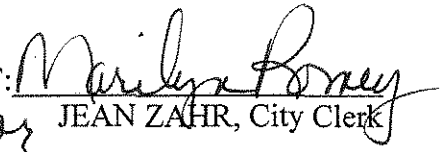
Modesto City-County Airport in a consistent, reasonable and responsible manner, and in accordance with applicable sections of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by   
MICHAEL D. MILICH, City Attorney

**T-HANGAR USE POLICY**  
**MODESTO CITY – COUNTY AIRPORT**

**Adopted by the Modesto City Council on October 12, 2004,  
Resolution No. 2004 -540**

Scope: This policy covers the procedures required of general aviation aircraft tenants or prospective tenants in the use of T-hangars at the Modesto City – County Airport.

Purpose: It is the intent of the City of Modesto to manage the use of T-hangars at the Modesto City – County Airport in a consistent, reasonable and responsible manner, and in accordance with applicable sections of the Modesto Municipal Code. This Policy is intended to provide the Airport Manager and T-hangar tenants alike with guidelines that all parties can follow to assure proper leasing and use of T- hangars at the Airport. It is not the intent of this policy to make provisions that are contrary to the Municipal Code, and in the event that there is a discrepancy or conflict between the two, the Municipal Code shall govern.

Location: The location of the T-hangars is on the southwest, or general aviation side of the Airport. Exhibit A, attached as a part of this policy, identifies the T-hangar rows (existing and future) to which this policy applies.

Policy Statements:

- The leasing of T-hangars shall be in accordance with the Modesto Municipal Code and the Aircraft Hangar Waiting List Policy adopted by the Modesto City Council in January 1990, Resolution 90-49.
- Aircraft owners wishing to lease a T-hangar at the Modesto City-County Airport shall execute a Lease Agreement in a form provided by the City of Modesto and shall abide at all times by the terms and provisions of the Lease Agreement.
- It is the intent of the City of Modesto that those leasing a T-hangar at the Airport will use the T-hangar for aircraft purposes only, except with written consent of the City to do otherwise. To that end, the following provisions further define appropriate use of a T-hangar.
  1. Pursuant to the Lease Agreement, an aircraft must be stored in the hangar. The storage of vehicles, boats, furniture, construction materials, machinery, household goods etc. only, or in lieu of an aircraft is not permitted.
  2. Aircraft parts only, i.e., fuselages, wing sections, engines etc. do not qualify as an aircraft unless reasonable and verifiable progress is made to restore the aircraft, or complete a home-built aircraft. Reasonable progress is further defined as active and consistent work on assembling the aircraft with the intent of restoring it to full flight status within one (1) year. If the aircraft being worked on is a homebuilt kit, the construction of the aircraft must be complete within one (1) year of its original purchase.

The tenant is responsible to provide evidence substantiating reasonable progress to the Airport Manager. Extensions of these time provisions may be requested of the Airport Manager, with an explanation for cause. The Airport Manager shall consider the explanation provided and either grant or deny the time extension requested. Restoration or construction of aircraft as herein described is subject to annual inspection by the Airport Manager. Failure to meet these deadlines will be deemed unacceptable and grounds for the termination of the Lease Agreement. It is not the intent of this policy to allow storage of aircraft in T-hangars, unless they are being actively worked on to restore them to flying condition within a reasonable amount of time. It is the intent of this policy to have T-hangars occupied with fully functioning aircraft to the extent possible.

3. The aircraft in the T-hangar must be owned (fully or partially) by the tenant who signed the hangar Lease Agreement. The tenant can also lease an aircraft for exclusive use. Aircraft 'N' number(s) will be compared with the owner's name(s) and the certificate of insurance to verify proper tenancy. If an aircraft was recently acquired and does not show on the FAA aircraft registration database, the tenant should provide a copy of the Aircraft Registration Application (FAA Form 8050-1). If the aircraft is leased, the insurance must show the tenant as the policyholder, and the owner as an additional insured.
4. Structures and/or lofts constructed inside a T-hangar. Permission for construction of such facilities requires the prior approval of the Airport Manager. The construction of these kinds of facilities will be done under the auspices of the City's Building Inspection Department, with an associated Building Permit obtained and displayed during construction.
5. T-hangars will be subject to a triennial inspection by the City of Modesto Fire Marshal and by Airport Maintenance and Operation staff for the purpose of determining compliance with applicable provisions of the Modesto Municipal Code, Fire Code and T-Hangar Lease Agreement.
6. Installation of additional wiring for lighting and equipment needs to be done in conformance with all applicable Building and Fire Codes. Permission for the use of extension cords must be obtained from the Modesto Fire Department prior to implementation. Extension cords may not be used in lieu of permanent wiring. Any extension cord that is permitted for use must be unplugged when you leave the hangar.
7. Heaters of any type are not permitted in the hangars unless they are first inspected and approved for use by the Fire Department.
8. Storage in the T-hangar should be neat and minimal. Unobstructed fire or emergency access to the rear of the hangar must be provided.
9. The storage, use, or handling of flammable/combustible liquids is prohibited inside of T-hangars unless approved by the Fire Marshal in accordance with the California Fire Code.

10. No objects may be hung from or attached to the supporting members of the T-hangar without the prior approval of the Airport Manager.

- It is the intent of this policy to provide for a safe environment in which aircraft can be housed at the Modesto City – County Airport. If either the Airport Manager or Fire Marshal determines that an unsafe situation is present in the T-hangar, the tenant shall immediately correct that situation in consultation with the Airport Manager or the Fire Marshal. Failure to comply with the directives of either individual will be grounds for terminating the hangar Lease Agreement. The tenant may appeal the determination rendered, but only after correcting the situation as directed by the Fire Marshal or Airport Manager.

Deviations:

It is recognized that not every situation, which someone may encounter in the lease of a T-hangar, can reasonably be covered by this policy. In the case where a tenant wants to deviate from this policy, or perform an activity not covered by this policy, prior approval shall be obtained from the Airport Manager or Fire Marshal, as the situation may dictate.

Appeals Process:

In the case where a T-hangar tenant does not agree with a determination made by either the Fire Marshal or the Airport Manager, the tenant shall have the right to an appeal. If the appeal is in regards to an issue from the Fire Marshal, the tenant shall follow appeal procedures as established by the Modesto Fire Department. If the appeal is in regard to an issue from the Airport Manager, the tenant shall present their information to the Engineering and Transportation Director, who shall render a decision either supporting or denying the appeal. If the tenant is still not satisfied with the decision rendered, either by the Fire Department or by the Engineering and Transportation Director, then the tenant may invoke the appeal process as outlined in the Modesto Municipal Code, Sections 1-4.01 through 1-4.05.

**We truly appreciate your continued cooperation and attention to the items listed above. As a result, your help will provide safe hangar facilities, and support a fair and enjoyable tenant/landlord relationship, which is to everyone's best interest.**

**Approved by the Airport Advisory Committee on May 19, 2004.**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 541**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 CAPITAL  
IMPROVEMENT PROGRAM BUDGET TO REAPPROPRIATE NEW AND  
EXISTING PROJECTS AND RECOGNIZE ADDITIONAL REVENUE FOR  
FY2004-05**

WHEREAS, a financial analysis has been completed and it has been determined that certain adjustments are required to the Capital Improvement Budget of the City of Modesto for the Fiscal Year 2004-2005, and

WHEREAS, specific projects have unspent budgets as of July 1, 2004 which need to be reallocated into FY2004-05, and

WHEREAS, additional revenues for Fiscal Year 2004-05 have been identified,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that existing projects and new projects which are referenced in the Proposed 2004-2005 Capital Improvement Program and under the CIP Budget by Fund section of the budget document hereby be reappropriated into the FY2004-05 budget.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that additional revenues, which are referenced in the Proposed 2004-2005 Capital Improvement Program and under the Revenues by Source and Project section of the budget document, hereby recognized.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Jackman, Hawn, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Marilyn Roney  
for JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 542**

**RESOLUTION FINDING THAT A SHELTER CRISIS EXISTS WITHIN THE CITY OF MODESTO, DECLARING A SHELTER EMERGENCY AS AUTHORIZED BY THE CALIFORNIA GOVERNMENT CODE, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ACTIONS NECESSARY TO MITIGATE THE EFFECTS OF THE SHELTER CRISIS.**

WHEREAS, there are estimated to be between 7,200 and as many as 11,000 homeless citizens in Stanislaus County, and

WHEREAS, more than an estimated 3,450 citizens are homeless in and about the City of Modesto, and

WHEREAS, all emergency shelters serving Modesto are full and unable to provide overnight shelter, and

WHEREAS, the California Legislature has determined that “A fundamental purpose of government is to protect the health and safety of persons within its jurisdiction,” and

WHEREAS, the California Legislature has determined that “Homelessness is a state which results in a direct threat to the health and safety of its victims, many of who have died, particularly during severe weather conditions, as a result of this state of homelessness,” and

WHEREAS, the months of January, February and March are historically among the coldest and most inclement months of the year in the San Joaquin Valley, and

WHEREAS, the Council of the City of Modesto finds that there is a significant number of persons who are without the ability to obtain shelter in Modesto, resulting in a threat to their health and safety, and

WHEREAS, on January 6, 2004, the City Council, by Resolution No. 2004-020, declared that a shelter crisis existed within the City of Modesto, and declared a Shelter Emergency as authorized in the California Government Code, and

WHEREAS, after the declaration of the Shelter Emergency crisis in Modesto, the Salvation Army opened a winter shelter and provided shelter to 426 unduplicated individuals and the Community Housing and Shelter Services provided motel vouchers to 239 unduplicated families and individuals, and

WHEREAS, \$1,500 from the General Fund should be allocated to the Salvation Army to assist with the operation of the winter shelter, and

WHEREAS, in kind services provided by the City to the Salvation Army Winter Shelter will include exterior, non-structural maintenance, graffiti abatement, weed control and debris and litter collection, and

WHEREAS, a 3 yard-bin and weekly services will be provided by Waste Management free of charge until April 30, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That a Shelter Crisis, as that term is defined in Section 8698 of the California Government Code (“Code”), is hereby proclaimed to exist in the City of Modesto.
2. That during the term of the Shelter Crisis proclaimed by this resolution, the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the Shelter Crisis.

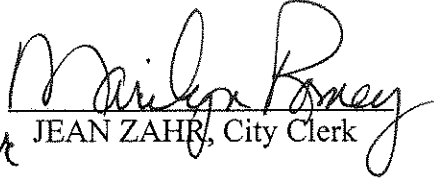
3. That during the term of the Shelter Crisis, the Acting City Manager, or his designee, is hereby authorized to take any action that he or she deems necessary in his or her sole discretion to assist in the mitigation of the Shelter Crisis proclaimed by this resolution for the purpose of providing emergency housing in any Public Facility, as that term is defined in Code Section 8698, provided the Public Facility is located in a C-M, M-1, or M-2 zone and further provided that the Public Facility is greater than 500 feet from any single-family residence.
4. That during the term of the Shelter Crisis proclaimed by this resolution, the Acting City Manager, or his designee, shall, despite the suspension of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety as set forth in paragraph 2, require such conditions as he or she deems necessary to ensure minimal public health and safety with respect to any Public Facilities open to the homeless during the term of the Shelter Crisis.
5. That the Acting City Manager, or his designee, is authorized to execute one or more agreements with any not-for-profit entity which is now, or proposes in the future, to operate a Public Facility open to the homeless during the term of the Shelter Crisis proclaimed by this resolution.
6. That \$1,500 from the General Fund will be allocated to The Salvation Army to assist with operational costs of the winter shelter, and in kind services will be provided by the City to the Salvation Army Winter Shelter, including exterior, non-structural maintenance, graffiti abatement, weed control, debris and litter collection, a 3 yard-bin and waste management weekly services until April 30, 2005.
7. That on or before May 24, 2005, the Acting City Manager, or his designee, shall provide a report to the Council describing any and all actions taken by him or her pursuant to the authority conferred by this resolution.
8. That the Shelter Crisis proclaimed by this resolution shall terminate on April 30, 2005, unless earlier terminated or extended by a subsequent resolution of the Modesto City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM

  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-543**

**A RESOLUTION APPROVING THE PROPOSAL BY DAN MACHADO TO REPAIR, REBUILD AND INSTALL THE ROGERS DRINKING FOUNTAIN IN A NEW PLAZA IN THE TRIANGLE PARCEL OF CITY LAND AT THE INTERSECTIONS OF L STREET, 14<sup>TH</sup> STREET AND NEEDHAM AVENUE USING DONATIONS AND PRIVATE FUNDS, AND DIRECTING STAFF FROM THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO WORK WITH MR. MACHADO TO BRING THIS PROJECT TO FRUITION.**

WHEREAS, City of Modesto staff has been contacted by Dan Machado, a local Landscape Architect, with a plan of rebuilding the Rogers Drinking Fountain to its original grandeur and installing it in a new plaza on the parcel of City land bordered by L Street, 14<sup>th</sup> Street and Needham Avenue, and

WHEREAS, the Rogers Drinking Fountain, a donation to the City from Mrs. Caroline Rogers DeYoe, is a piece of Modesto's history, and

WHEREAS, Mr. Machado is interested in forming a group to rebuild the fountain and then install it in a new plaza on the triangle of land across the street from Graceada Park using donations and private funds, and

WHEREAS, the Safety and Communities Committee met on October 4, 2004, and supported the recommendation to restore the fountain and install it across from Graceada Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the proposal by Dan Machado to repair, rebuild and install the Rogers Drinking Fountain in a new plaza in the triangle parcel of City land at the intersections of L Street, 14<sup>th</sup> Street and Needham Avenue using donations and private funds.

BE IT FURTHER RESOLVED that the Council directs staff from the Parks, Recreation and Neighborhoods Department to work with Mr. Machado to bring this project to fruition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of October, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Hawn

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-544**

**A RESOLUTION APPROVING THE 2004-2005 LEGISLATIVE PLATFORM  
FOR THE CITY OF MODESTO.**

WHEREAS, the City Manager's Office is tasked with maintaining a legislative program to provide Council with a more proactive approach for influencing policy and other governmental entities, and

WHEREAS, the key component of this approach is development of a legislative platform that contains policy statements adopted by Council on an annual basis, based on the "Strategic Plan", and

WHEREAS, in addition to providing a proactive approach to policy, the platform allows the City's position on bills to be expressed without the need for Council action on individual legislative measures, and

WHEREAS, historically, the City of Modesto's City Council has adopted an annual legislative platform to assist City staff and lobbyists in their work with federal and state legislatures, and

WHEREAS, the platform items were coordinated with the City Manager's Office, the Community and Economic Development Department, the Personnel Department, the City Attorney's Office, the Fire Department, the Police Department, the Finance Department, the Parks, Recreation & Neighborhoods Department, and Public Works, and

WHEREAS, on August 11, 2004 the Finance Committee considered this item and recommended approval by the full Council, and

WHEREAS, on September 8, 2004 the Safety and Communities Committee considered this item and recommended approval by the full Council, and

WHEREAS, on September 13, 2004 the Economic Development Committee considered this item and forwarded this item to full Council with suggested language changes to the General Goals section of the document,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby approves the 2004-2005 Legislative Platform.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council members: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

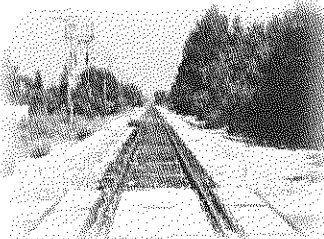
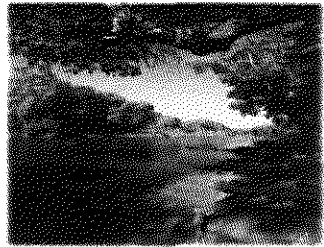
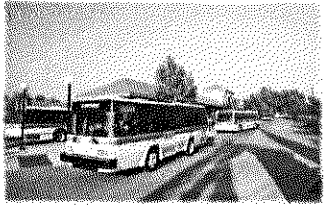
NOES: Council members: None

ABSENT: Council members: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney



# City of Modesto Legislative Platform



*Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*

# General Goals

The Modesto City Council and employees are committed to our Vision of:

*Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*

The City's Legislative Platform reflects the City's Vision and Council's goals, as outlined in the *Strategic Plan*.

In ~~2002~~2004, the City Council will, as a top priority, support legislation that supports and finances public safety as well as facilitates and encourages attractive economic development, including infrastructure funding. The Council will support measures that retain local control over land use and annexation decisions. The Council will also oppose measures limiting the annexation and growth potential of the City but strive to preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas. ~~and oppose measures that limit the annexation and growth potential of the City.~~

At the same time, Council will continue to support legislation that brings health and safety funding to the City. The Council endorses the continuance of technology and other funding for public safety. Council also supports local authority to determine which ambulance companies operate in our jurisdiction.

As in past years, the Council will continue to oppose measures imposed by the state or federal government that serve as

unfunded mandates or which threaten local control. Council will also support measures that bring increased federal and state funding to the City for projects that support the City's Vision and *Strategic Plan*.

This platform was prepared by the following City Council Committees: Finance Committee, Economic Development Committee and Health and Safety Committee. It forms the cornerstone of Council's policy direction and provides a proactive approach to influencing policy and other governmental entities.

<b>Table of Contents</b>	
General Goals	i
Preamble	ii
1. Housing & Neighborhoods	1
2. Land Use and Planning	3
3. Finances	5
4. Fire and Emergency Response	7
5. Economic Development & Business Attraction	8
6. Employee Relations / Workers Compensation	12
7. General Government	13
8. Transportation & Infrastructure	14
9. Environment	18
10. Solid Waste	19
11. Water Supply / Management	21
12. Communication / Technology	22
13. Energy	23
14. Public Safety	24
15. Parks & Open Space	27

## **Preamble**

Whereas, the City of Modesto's legislative agenda is to promote the general welfare for citizens of California and specifically improve the quality of life for residents of Modesto, it shall be the policy of the Modesto City Council to: Support legislation that protects individual rights and to oppose legislation that infringes, denies, or restricts individual rights established in the Constitution of the United States and its amendments and the Constitution of the State of California.

# City of Modesto

## 2002-20032004-2005 Legislative Platform

<b>1. Housing and Neighborhoods</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.</p> <p>H.II.C.1. Increase opportunities for home ownership.</p>	<p><b>Issue: 1.1.</b> Community Development Block Grant (CDBG) program funding, Federal Low Income Housing Tax program funding, and HOME Investment Partnership program funding target the affordable housing production needs of the local community, which would be difficult to address without the continued support of focused Federal housing program dollars. Loss of these program funds would eliminate or reduce qualified activities and/or areas qualifying for assistance.</p> <p><b>Action: 1.1.</b> Support continued funding of the CDBG program as provided by the U.S. Department of Housing and Urban Development. Support continued funding of the Federal Low Income Housing Tax program. Support continued funding of the HOME Investment Partnership program. Oppose changes to, or defunding of, the CDBG program, Low Income Housing Tax program, or HOME program.</p>
<p>H.IV.A.6. Resolve issues and identify a site for a Day Center for Homeless individuals.</p>	<p><b>Issue: 1.2.</b> As pressures increase on local housing supply and costs, the issue of potential homelessness should be addressed proactively rather than reactively, before significant problems arise locally.</p> <p><b>Action: 1.2</b> Support continued funding for programs such as the Emergency Shelter Grant fund programs and McKinney Homeless Act fund program to address the problem of homelessness.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>1. Housing and Neighborhoods</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.2. Promote compact building design.</p> <p>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.</p>	<p><b>Issue: 1.3.</b> Affordable housing production for low-income persons is often made more difficult as a result of political interest groups who advance a Not-In-My-Backyard (NIMBY) philosophy.</p>
	<p><b>Action: 1.3.</b> Support development of state programs that would fund tax incentives to neighboring property owners in order to encourage neighborhood development of affordable housing. Support funding to provide incentives to residential developers who elect to include a fixed percentage of affordable housing within each subdivision development permit.</p>
<p>IX.D. Promote high density housing in the downtown core.</p>	<p><b>Issue: 1.4.</b> Bringing high density housing back downtown will diversify housing stock available within the City, will not contribute to urban sprawl and degradation of agricultural lands, and will stimulate the continued revitalization of the downtown area by creating a mixed-use environment with both peak and off-peak hours usage.</p>
	<p><b>Action: 1.4.</b> Support development of state and federal funding sources to provide financing for high density housing projects in core downtown areas. Support legislation that would create incentives to developers who create high density housing in core downtown areas.</p>
<p>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.</p> <p>V.A.3.b. Increase multi-family residential and affordable housing inventory.</p>	<p><b>Issue: 1.5.</b> As the price of housing increases, fewer residents can afford to buy houses and the inventory of available multi-family housing diminishes. An adequate housing inventory to meet the City's varied and diverse housing needs is critical.</p>
	<p><b>Action: 1.5.</b> Support development of state and federal funding sources to provide incentives to encourage construction of multi-family housing.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>2. Land Use and Planning</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.</p> <p>V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.</p>	<p><b>Issue: 2.1</b> Sustaining California's economy and environment in a way that ensures quality-of-life for all residents requires innovative thinking and a balanced, integrated, and inclusive approach. A statewide Growth Management Policy should be considered.</p> <p><b>Action: 2.1</b> Encourage the State Legislature to adopt a statewide policy for growth management.</p>
<p>I.B.1.b. Form regional partnerships for water and wastewater development.</p> <p>I.B.1.b.(1) Assemble water and wastewater Task Forces with area agencies and seek funding/buy-in from governing bodies.</p>	<p><b>Issue: 2.2.</b> Unrestrained and/or inadequately planned-for urban growth will stretch current water resources to the limit in the not-too-distant future. Finite water resources will soon play a much larger role in land use planning. It is imperative that local government entities and regional government entities work together to ensure we will have adequate water resources for our future.</p> <p><b>Action: 2.2.</b> Support federal and state funding targeted towards regional and inter-regional water resource planning efforts and related land use planning.</p>
<p>III.A.2. Incorporate Smart Growth principles as part of transportation planning.</p>	<p><b>Issue: 2.3.</b> New demographic and economic realities pose challenges and opportunities for more efficiently linked land use and transportation strategies. When planned in concert with other regional strategies, transportation infrastructure can be used to channel growth in a more efficient and environmentally sensitive manner.</p> <p><b>Action: 2.4.</b> Support a statewide study to strengthen the linkages between regional transportation planning and land use planning that seeks recommendations from local governments.</p>
<p>V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development.</p> <p>X.A.2.c.(2). Attract new industries that are "commuter employers".</p>	<p><b>Issue: 2.5.</b> The Central Valley has an imbalance in the ratio of jobs available compared with increasing residential growth. This jobs-housing imbalance exerts pressure on both transportation infrastructure, as local residents must commute outside of the local area to find employment, and upon air quality.</p> <p><b>Action: 2.5.</b> Support federal and state funding targeted towards correcting the imbalance in jobs available compared with residential growth locally and in the Central Valley.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>2. Land Use and Planning</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
III.B.2. Address transportation funding issues.	<b>Issue: 2.6.</b> Increasing demands for local residential housing production place a heavy burden on existing transportation infrastructure.
	<b>Action: 2.6.</b> Support development of state programs that would provide funding for construction of new transportation infrastructure and upgrades within communities experiencing explosive residential growth.
V.A.8. Make development decisions predictable, fair and cost-effective. VII.A. Seek external funding sources to improve revenue stream.	<b>Issue: 2.7.</b> Local governments often plan and approve land uses that compete with other jurisdictions (1) in order to increase tax revenues to meet growing demands for social and other municipal services, and (2) because of unreliable alternative sources of funding.
	<b>Action: 2.7.</b> Support changes in state legislation to provide local government with a stable revenue base in order to reduce the fiscalization of local land use policies.
VI.A.1. Develop an equitable distribution of revenues in a mutually beneficial binding agreement.	<b>Issue: 2.8.</b> Local jurisdictions are in the best position to judge appropriate land uses within their own spheres of influence (SOI). Development that occurs within a city's SOI prior to annexation, without approval from the city, often results in a conflict with the city's General Plan and/or zoning standards upon annexation. The development of commercial and/or industrial uses within a city's SOI can also result in the inadequate distribution sales tax revenues.
	<b>Action: 2.8.</b> Support legislation which would prohibit the issuance of building permits or land use approval in a city's sphere of influence without an agreement between the city and the county.
V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas. V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development. V.A.7.a. Upgrade infrastructure and target infill areas for development.	<b>Issue: 2.9.</b> To preserve agriculture and reduce urban sprawl, residential growth should be directed to the incorporated areas within each county.
	<b>Action: 2.9.</b> Support legislation that would allow a city to control any increase in the intensity of land use within a city's general plan area. Support legislation that would grant LAFCO the jurisdiction over new development in unincorporated areas of county.

**City of Modesto  
2004-2005 Legislative Platform**

<b>3. Finances</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 3.1.</b> Timely and accurate receipt of revenues and grants from the county, state and federal agencies protects the financial stability of and revenue projections for municipalities.
	<b>Action: 3.1.a.</b> Support efforts that would provide greater accountability on the part of counties, state and federal agencies for the distribution of funds to municipalities, including but not limited to fines and forfeitures.
	<b>Action: 3.1.b.</b> Support legislation to improve collection capabilities for cities and counties.
	<b>Issue: 3.2.</b> State law authorizes counties to charge property tax administration fees. These fees reduce revenues for cities.
	<b>Action: 3.2.</b> Support the repeal or reimbursement of property tax administration collection fees.
	<b>Issue: 3.3.</b> In the recession of the early 1990s, the state of California reduced property tax distributions to cities and counties. To make up for part of the shortfall, counties passed along costs to cities. Some counties, including Stanislaus County, charged cities booking fees for prisoners placed in county jail facilities. These additional fees were difficult for cities to afford. In addition, these fees are unfair, as residents of cities are charged for booking services, while residents of unincorporated areas are not.
	<b>Action: 3.3.</b> Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.
	<b>Issue: 3.4.</b> Local governments pay millions of dollars annually to support the Public Employees' Retirement System (PERS). This fund should not serve as a slush fund for state government and the policies which govern distribution should be determined by the agencies which pay into the fund, not by the state.
	<b>Action: 3.4.</b> Oppose legislation or actions by the Public Employees' Retirement System (PERS) Board which change PERS programs to benefit the state at the financial expense of local agencies.

**City of Modesto  
2004-2005 Legislative Platform**

**3. Finances**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.2. Reevaluate sales tax agreement with County to increase revenue base.	<b>Issue: 3.5.</b> Local agency control over policy and resource decisions is vital so that citizens may have an active voice in local government and local agencies can serve as stewards of public resources.
	<b>Action: 3.5.a.</b> Oppose any further shift that would make local agencies more dependent on the state for financial stability and policy direction.
	<b>Action: 3.5.b.</b> Oppose the shift of any city taxes or fees to any other jurisdiction.
	<b>Issue: 3.6.</b> Unfunded mandates by the state and federal government add to local costs and can impact our ability to perform essential government services.
	<b>Action: 3.6.</b> Oppose state and federal programs [unfunded mandates] unless funding is provided to support these programs.
	<b>Issue: 3.7.</b> Local governments rely upon fees, taxes and other revenue sources for fiscal solvency.
	<b>Action: 3.7.</b> Oppose any change in tax allocations or limitations/restrictions on local control which would negatively effect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry.
	<b>Issue: 3.8.</b> Annexations and tax sharing agreements are matters of local interest and authority and are best addressed at the local level.
	<b>Action: 3.8.</b> Oppose any requirement that there be a mutual agreement for cities and counties for tax distribution for all annexation proposals.

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<b>Issue: 3.9.</b> Over the course of the past 25 years, voter initiatives and state and federal government programs and policies have limited the financial ability of local governments to provide city services. Sales tax has replaced property tax as the primary revenue source for most local agencies.
	<b>Action: 3.9.</b> Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF, property tax shifts and unfunded mandates.

**City of Modesto  
2004-2005 Legislative Platform**

**4. Fire and Emergency Response**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 4.1.</b> Many older essential building (police and fire stations, hospitals) in California may not survive serious earthquakes because they do not meet necessary construction standards. Local agencies do not have the funding needed to retrofit these buildings. Modesto Fire Station 1 is an example.</p> <p><b>Action: 4.1.</b> Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.</p>
<p>H.III.A. Improve levels of emergency response.</p> <p>H.IV.A. Improve community access to health services.</p>	<p><b>Issue: 4.2.</b> During the past 30 years cities have assumed a large role in delivering emergency medical services. In many cases citizens and cities could benefit from public/private partnerships or public delivery systems. However, in most cases counties have the authority and responsibility to determine how emergency medical services are provided and which ambulance companies operate in cities.</p> <p><b>Action: 4.2.</b> Support legislation granting cities the right to determine which ambulance companies operate within their jurisdiction.</p>

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 4.3.</b> Funding enhancements and improvements to public safety systems is difficult for local providers because of the competing demands for the resources that are available. The Federal FIRE act and AB 1022 (Pacheco) are two fire/emergency service examples of pending legislation.</p> <p><b>Action: 4.3.</b> Support legislation that will increase funding for public safety including public safety technology improvements.</p>
<p>H.II.K.1.a. Expand the use of Automatic Fire Sprinklers and other prevention technology.</p>	<p><b>Issue: 4.4.</b> Design and construction standards for schools is a responsibility of the State. Many new schools are being built that do not have automatic fire sprinkler systems. Automatic fire sprinklers are an effective way to reduce fire losses and enhance the safety of students. SB 575 (O'Connell) is a current bill that would require sprinklers. This bill is identical to AB 2115 (Lempert, 2000) that was vetoed by the Governor last year.</p> <p><b>Action: 4.4.</b> Support legislation that requires automatic fire sprinklers in all new schools.</p>

City of Modesto  
2004-2005 Legislative Platform

<b>5. Economic Development &amp; Business Attraction</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VIII.A.3.a. Expand and enhance a workforce training and development program.	<b>Issue: 5.1.</b> An educated, literate and skilled workforce is an economic stimulant that fosters business attraction and economic development.
	<b>Action: 5.1.a.</b> Support funding by the California Department of Education for funding for public adult schools and for worker literacy programs at work sites.
	<b>Action: 5.1.b.</b> Support legislation to ensure and coordinate continued funding for programs providing training and job preparation.
I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive.	<b>Issue: 5.2.</b> Adequate public infrastructure is critical to successful business attraction.
	<b>Action: 5.2.</b> Support legislation that provides additional funds for infrastructure or which provides options for financing developer requirements.
	<b>Issue: 5.3.</b> The state gives a competitive advantage [self help] for state highway funds to jurisdictions which have a sales tax for transportation projects.
	<b>Action: 5.3.</b> Support legislation giving cities/counties which have adopted developer fees "Self Help" status.
I.A.2.a. Assure design, installation and maintenance of attractive infrastructure.	<b>Issue: 5.4.</b> Additional parking is needed to stimulate economic development in the City's Downtown Core area.
	<b>Action: 5.4.</b> Seek federal funding to assist with the construction of additional parking facilities in the Downtown.

**City of Modesto  
2004-2005 Legislative Platform**

<b>5. Economic Development &amp; Business Attraction</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development.</p>	<p><b><u>Issue: 5.5.</u></b> The City of Modesto has a jobs-housing imbalance, providing more housing than jobs for our residents. In recent years, this imbalance has been aggravated by escalated Bay Area housing prices that have forced residents to the more affordable Central Valley housing market. The Inter-Regional Partnership was established to seek state funding and other avenues to address this issue.</p> <p><b><u>Action: 5.5.a.</u></b> Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.</p> <p><b><u>Action: 5.5.b.</u></b> Support legislation to encourage business creation and expansion.</p> <p><b><u>Action: 5.5.c.</u></b> Support legislation providing tax credit priority for job generating projects in areas with a jobs-housing imbalance.</p> <p><b><u>Action: 5.5.d.</u></b> Support legislation that will create a “jobs-housing opportunity zone” eligible for infrastructure incentives and tax-exemption incentives.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>5. Economic Development &amp; Business Attraction</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>XII.A. Leverage private and public funds to enhance redevelopment.</p> <p>XII.A.5. Evaluate and explore expansion of the Redevelopment Area to include declining / underdeveloped portions of the City (i.e. Yosemite Corridor).</p>	<p><b>Issue: 5.6.</b> Use of redevelopment funds outside of the project area are necessary in order to retain local authority over redevelopment expenditures for housing.</p>
	<p><b>Action: 5.6.</b> Support legislation to continue receiving credit for redevelopment outside of the project area.</p>
	<p><b>Issue: 5.7.</b> Local communities such as the City of Modesto rely on the tax base generated by private development in order to fund provision of services for the community. Enterprise Zone designation is an economic development tool that provides regulatory, tax, and other incentives for private investment and employment.</p>
	<p><b>Action: 5.7.</b> Support legislation designating an enterprise zone within the County of Stanislaus.</p>
	<p><b>Issue: 5.8.</b> The California Infrastructure and Economic Development Bank promotes economic revitalization and job creation by issuing tax-exempt and taxable revenue bonds providing financing to public agencies for infrastructure projects (e.g., essential infrastructure for business park developments). Current application procedures are cumbersome and difficult; local communities must often hire a consultant just to get through the application process. In addition, the state legislature has proposed cutting funding to this program.</p>
	<p><b>Action: 5.8.</b> Support legislation that would make the application process for CIEDB funds easier. Oppose legislation that would cut funding for the CIEDB program.</p>

City of Modesto  
2004-2005 Legislative Platform

<b>5. Economic Development &amp; Business Attraction</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
XII.A. Leverage private and public funds to enhance redevelopment.	<p><b>Issue: 5.9.</b> Redevelopment activities have proven to be a vital economic development tool in Modesto. Redevelopment Law currently requires redevelopment agencies to use not less than 20% of all tax revenue for low- and moderate-income housing. There have been recent discussions at the State level regarding increasing the affordable housing expenditure requirement to not less than 25% of all tax revenue. A mandatory increase in required deposits to the L&amp;M Housing fund would decrease the amount of funding available for redevelopment purposes by a corresponding amount, thus slowing down the progress that Modesto is making in redevelopment. The L&amp;M Housing Fund grows only when assessed value in the project area increases as the result of revitalization and public investment in infrastructure, and the attraction of new employers, land developers, business tenants, and retail development. In addition, the 20% set-aside is usually a much greater percentage of the “net” amount of tax increment available to an agency after pass-through of a portion of the tax increment to other taxing entities. The housing set-aside is 20% of the “gross” tax increment, but it can be a greater amount of the “net” tax increment after deducting the amount of tax increment shared with pass-through agencies.</p> <p><b>Action: 5.9.</b> Oppose legislation that would amend Redevelopment Law to require any increase in the amount of tax revenue that must be set aside for low- and moderate-income housing.</p>
XII.A. Leverage private and public funds to enhance redevelopment.	<p><b>Issue: 5.10.</b> California Redevelopment Law gives local communities the authority and financing tools to be able to attack problems of urban blight and decay. As such, legislation designed to place unnecessary and burdensome restrictions on local redevelopment efforts should be opposed; and legislation designed to give local redevelopment agencies flexibility and control over how best to utilize tax increment should be supported.</p> <p><b>Action: 5.10.</b> Oppose additional or expanded mandates on redevelopment activities or local authority to allocate redevelopment dollars; Support legislation that provides local redevelopment agencies with flexibility and local control over tax increment allocation.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>6. Employee Relations/Workers Compensation</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 6.1.</b> In order for the City to prudently plan for the future and remain fiscally healthy, local authority over employee benefit and compensation decisions is necessary.</p> <p><b>Action: 6.1.</b> Oppose any measure that would grant employee benefits that would be more properly decided at the local bargaining table.</p>
	<p><b>Issue: 6.2.</b> The City desires to maintain local control over all employee disputes.</p> <p><b>Action: 6.2.</b> Oppose any efforts that would reduce local control over public employee disputes and impose regulations of an outside agency.</p>
	<p><b>Issue: 6.3.</b> Current law provides extensive rights and protections to police officers in the areas of administrative investigations and discipline.</p> <p><b>Action: 6.3.a.</b> Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible to prove an administrative violation.</p> <p><b>Action: 6.3.b.</b> Oppose any expansion to the California Public Safety Officers Procedural Bill of Rights or creation of new Federal "Police Officers Bill of Rights." Oppose extending these rights to firefighters or to other non-peace officers.</p>
	<p><b>Issue: 6.4.</b> The City of Modesto does not participate in Social Security. The associated cost savings allows us to offer competitive salaries and attract well-qualified employees to our workforce.</p> <p><b>Action: 6.4.</b> Oppose any form of mandatory Social Security Coverage for local government employees, who already enjoy superior retirement benefits.</p>
	<p><b>Issue: 6.5.</b> Current law only requires local governments to pay for Medicare coverage for employees hired on or after April 1, 1986. The City does not pay coverage for any employee hired prior to this date. Our fiscal planning does not include the added costs of providing this benefit to non-covered employees.</p> <p><b>Action: 6.5.</b> Oppose expansion of requirement for local governments to pay Medicare coverage for local employees beyond the current requirement of coverage for employees hired after April 1, 1986.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>6. Employee Relations/Workers Compensation</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 6.6.</b> Workers compensation benefits can be cost prohibitive if not monitored, defined and appropriately managed.</p> <p><b>Action: 6.6.a.</b> Support legislation that manages costs of workers compensation benefits for occupational injuries/illnesses.</p> <p><b>Action: 6.6.b.</b> Oppose legislation that expands or extends any presumptions of occupational injury or illness.</p>
	<p><b>Issue: 6.7.</b> The Fair Labor Standards Act was originally enacted as a protection for employees in the private sector. For public agencies, it does not take into consideration the nature of public accountability, the generous leave benefits, nor the disciplinary process for exempt employees (particularly supervisors and managers).</p> <p><b>Action: 6.7.</b> Support Federal legislation to modify or eliminate FLSA requirements on public agencies.</p>

<b>7. General Government</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 7.1.</b> With limited funding for roadway maintenance, cities need to take measures to protect their right of way.</p> <p><b>Action: 7.1.</b> Support legislation to protect the public right of way.</p>
	<p><b>Issue: 7.2.</b> Consumers who purchase items through the Internet and via mail order are not charged local sales taxes on their purchases. This practice gives Internet and mail order companies a competitive advantage and, at the same time, restricts the amount of sales tax revenues for local jurisdictions.</p> <p><b>Action: 7.2.</b> Support legislation that fairly assesses local sales taxes for all methods of transaction.</p>
	<p><b>Issue: 7.3.</b> In today's litigious environment, it is critical for public agencies to limit their liability exposure.</p> <p><b>Action: 7.3.</b> Support measures to reform California's tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.</p>

City of Modesto  
2004-2005 Legislative Platform

<b>8. Transportation &amp; Infrastructure</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 8.1.</b> The City of Modesto has hundreds of miles of underground water, sanitary sewer and storm drain pipelines that require maintenance and replacement. In addition, \$20 million a year is needed to maintain the City roadways; approximately \$5 million a year is budgeted. Federal and State money is needed to assist in maintaining the existing infrastructure and for its operation.</p>
	<p><b>Action: 8.1.a.</b> Support legislation that enhances resources for local jurisdiction to maintain and operate their infrastructure.</p>
	<p><b>Action: 8.1.b</b> Support legislation that provides that revenue collected from sales taxes on gasoline is used solely for the purpose of operating and maintaining the streets and highways network throughout the state.</p>
	<p><b>Action: 8.1.b Proposition 42 devotes sales taxes paid on gasoline to highway and transit improvements but this proposition contains a loophole which allows for the State to borrow from these funds. Support legislation that will close this loophole and make it impossible for the State to borrow from these funds.</b></p>
	<p><b>Issue: 8.2.</b> Federal and State funding is allocated to the City, but can only be spent on specific streets with large volumes of traffic, and restricted corridors cannot be widened.</p>
	<p><b>Action: 8.2.</b> Support legislation that provides increased local control over spending on streets and highways.</p>
	<p><b>Issue: 8.3.</b> Contractors have the ability to file construction claims on a project due to additional work, time of days, profit loss, etc. Some claims are filed only to negotiate a settlement. If the City wins the claim, the contractor shall pay for legal fees defending the City.</p>
	<p><b>Action: 8.3.</b> Support State legislation that would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.</p>
	<p><b>Issue: 8.4.</b> When the City secures property in Stanislaus County, the County must approve of the acquisition, and if necessary allow the City the right to proceed with eminent domain.</p>
	<p><b>Action: 8.4.</b> Support legislation amending Section 1810 of the Streets &amp; Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby "leveling the playing field" for cities.</p>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 8.5.</b> A new and expanded Bus Maintenance Facility is needed to replace the existing one, which is undersized and in very poor condition. Approximately half of the funds needed for the new facility have been earmarked in the federal budget. City staff is planning to begin construction in <del>May 2002</del> <b>Summer 2004</b>. However, construction cannot proceed unless the project is fully funded.</p>

**City of Modesto  
2004-2005 Legislative Platform**

	<b>Action: 8.5.</b> Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.
<b>8. Transportation and Infrastructure</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<b>Issue: 8.6.</b> The Modesto/City County Airport is updating the Airport Master Plan to consider the extension of runway RW10L/28R. Wilson and Orville Wright Elementary schools are approximately one-half mile from the airport runways, and Wilson Elementary will be closer if the runway is extended. <b>Action: 8.6.</b> Oppose legislation that prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.
	<b>Issue: 8.7.</b> When property is listed for sale, property owners should be required to include a disclosure on the property deed, when a parcel is within Modesto City/County Airport's area of influence. The area of influence should not be smaller than suggested in the Caltrans Aeronautics' Airport Land Use Planning Handbook. <b>Action: 8.7.</b> Support legislation that requires property owners to provide a Notice of Public Disclosure of the proximity of an airport if the property is next to or near an airport. In addition, support Caltrans' Airport Land Use Planning Handbook's latest edition to prevent incompatible property development when the property lies within an airport's Runway Protection Zones, Inter Safety Zones, Inter Turning Zones, Outer Safety Zones, Sideline Safety Zones, and/or Traffic Pattern Zones.
	<b>Issue: 8.8.</b> Aviation fuel is taxed. These taxes should be used at the airport for airport services and aviation. <b>Action: 8.8.</b> Oppose legislation that would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation.
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.9.</b> City growth requires new transportation corridors and utility extensions. An expressway/beltway will provide efficient travel around the perimeter of the City. In addition, existing improvements, such as water, sanitary sewer, storm drains, streets, public transit and lighting, need to be operated and maintained. Improvements to these facilities are needed to continue their required functions. <b>Action: 8.9.</b> Support legislation that provides additional funding to improve transportation, public transit and the existing infrastructure in the City and region.
III.B.2. Address transportation funding issues.	<b>Issue: 8.10.</b> Adequate funds are necessary for the proper development of Modesto City-County Airport. Legislation at both the federal and state level should promote the maximum use of funds available in the aviation trust fund and state funds derived from aviation sources and services.

**City of Modesto  
2004-2005 Legislative Platform**

issues.	<b>Action: 8.10.</b> Support a comprehensive national air transportation strategy that includes adequate, predictable and long-term funding necessary to sustain the planning and financing of airport development and provide adequate aviation facilities for an orderly and safe flow of air traffic.
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## 8. Transportation & Infrastructure

City's Strategic Plan Element	Legislative Issue
III.B.2. Address transportation funding issues.  VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.11.</b> The City competes with other jurisdictions for funding that provides traffic signalization, medians, public transit and designated turn lanes.
	<b>Action: 8.11.</b> Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.
	<b>Issue: 8.12.</b> Modesto City-County Airport has a low activity tower that is staffed by professional air traffic controllers through the Federal Aviation Administration's Contract Control Tower Program.
	<b>Action: 8.12.</b> Support the Federal Aviation Administration's contract control tower program in order to insure that the safety of the airport, its users and local community is maximized.
III.B.3.a. Provide connections from conveniently located park and ride lots to ACE train.  VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.13.</b> Currently a proposal is being reviewed to bring the Altamont Commuter Express (ACE) train to Modesto. The state budget includes \$8 million specifically for an extension of ACE to Stanislaus County. The City of Modesto currently provides shuttle bus service to the ACE train Station in Lathrop/Manteca.
	<b>Action: 8.13.</b> Support legislation and funding to extend the Altamont Commuter Express Train to Modesto.
III.B.6. Reduce transportation impacts on air quality	<b>Issue: 8.14.</b> The California Air Quality Board has adopted regulations restricting and controlling public transit operations with increasingly rigid air quality standards. These regulations can and will impact the operational costs of providing public transit service.
	<b>Action: 8.14.</b> Support legislation that provides additional funding to assist public transit systems in meeting air quality standards. Oppose legislation that will mandate any single operational practice or use of fuel. Support legislation that allows city transit agencies flexibility in meeting air quality standards.

**City of Modesto  
2004-2005 Legislative Platform**

VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 8.15.</b> The most difficult to predict operational cost for public transit operations is the cost of fuel.</p> <p><b>Action: 8.15.</b> Support legislation to provide supplemental funding to transit agencies to cover unexpected increases in fuel prices.</p>
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**8. Transportation & Infrastructure**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 8.16.</b> The City of Modesto Transit Services is dependent upon federal and state funds for capital and operating expenses. Expansion of service is dependent on federal and state funds.</p> <p><b>Action: 8.16.</b> Support legislation and funding that protects existing transit revenues from both state and federal budget cuts. Support appropriations of addition federal and state funds to public transit systems.</p>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 8.17.</b> Protection of existing and future water sources.</p> <p><b>Action: 8.17.</b> Support legislation, which enhances resources for local jurisdiction to maintain and operate their infrastructure.</p>
	<p><b>Issue: 8.18.</b> Local governing bodies are in the best position to understand local circumstances. Decisions regarding land use should be based upon local criteria such as public safety, aesthetics, and economic and community development.</p> <p><b>Action: 8.18.</b> Support legislation that provides increased local control over spending on streets and highways.</p>
	<p><b>Issue: 8.19.</b> Every effort should be made to discourage frivolous lawsuits against municipalities.</p> <p><b>Action: 8.19.</b> Support State legislation, which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.</p>
	<p><b>Issue: 8.20.</b> Section 1810 of the Streets &amp; Highway Code provides that a City may acquire, or purchase or eminent domain, property outside its boundaries, if it is necessary to connect or widen the existing streets of the city and if the county consents to the acquisition.</p> <p><b>Action: 8.20.</b> Support legislation amending Section 1810 of the Streets &amp; Highway Code deleting the requirement that counties must consent to such acquisition and thereby "leveling the playing field" for cities which can be required to accept such streets.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>9. Environment</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 9.1.</b> Air quality credits impact a region's ability to attract and retain business.</p> <p><b>Action: 9.1.</b> Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.</p>
I.C.1.b. Protect water supply from storm drainage contamination.	<p><b>Issue: 9.2.</b> Stormwater pollution prevention efforts such as best management practices and maximum extent practicable are effective water quality protective measures.</p> <p><b>Action: 9.2.</b> Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that "Maximum Extent Practicable" (MEP) is the standard for stormwater discharges.</p>
	<p><b>Issue: 9.3.</b> Remediation of groundwater contamination should be the financial responsibility of the entity responsible for the upstream-contaminated discharge.</p> <p><b>Action: 9.3.</b> Support legislation, which amends the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party.</p>
	<p><b>Issue: 9.4.</b> Environmental fees should be based on the service levels provided by the revenue-seeking agency.</p> <p><b>Action: 9.4.</b> Support legislation, which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.</p>
	<p><b>Issue: 9.5.</b> Current CEQA rules and regulations are sufficient for adequate protection of the environment.</p> <p><b>Action: 9.5.</b> Support legislation, which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the "Master EIR" or "Program EIR level."</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>9. Environment</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
II.B.2. Establish a city/county hazardous waste team to coordinate the use and disposal of hazardous materials, particularly in the case of emergencies.	<b>Issue: 9.6.</b> State and local governments must have an influence on the designation of hazardous material sites since the local level is most impacted.
	<b>Action: 9.6.</b> Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites.

<b>10. Solid Waste</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
II.C. Maximize recycling and recovery participation through education and program assessment and development.	<b>Issue: 10.1.</b> The Waste-to-Energy Facility generates electricity by diverting garbage that otherwise would be disposed of in the landfill and converting it into power.
	<b>Action: 10.1.</b> Oppose legislation, which would limit or reduce recycling credits for Waste-to-Energy projects in California.
II.C.3. Develop and implement new programs which will increase resource recovery and diversion.	<b>Issue: 10.2.</b> To assist in meeting diversion goals, local recyclers must have end markets for their products.
	<b>Action: 10.2.</b> Support legislation, which would enhance or provide market incentives for recycling materials (e.g., plastics, compost).

**City of Modesto  
2004-2005 Legislative Platform**

<b>10. Solid Waste</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
II.D. Develop market for co-compost materials to allow for all biosolids to be utilized in the co-compost product.	<b>Issue: 10.3.</b> The recycling and composting of greenwaste and bio-solids increases waste diversion from landfills, and its reuse provides an excellent source of viable material for land and beautification use.
	<b>Action: 10.3.</b> Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.
	<b>Issue: 10.4.</b> In order to continue to provide quality service and to keep costs as low as possible for the rate payers, local jurisdictions must have flow control authority.
	<b>Action: 10.4.</b> Oppose legislation that would limit the local jurisdiction's authority by the County to regulate or direct municipal solid waste.
II.D.1. Continue use of green waste materials in co-composting operation to dispose of biosolids and expand markets for the co-compost.	<b>Issue: 10.5.</b> The land application of bio-solids and bio-solids compost has been demonstrated to be safe when done in accordance with State and Federal regulations.
	<b>Action: 10.5.</b> Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose de-facto bans on the land application of bio-solids or bio-solids composts.
II.C.2. In accordance with AB939 regulations, prepare a resource recovery assessment that includes: <ul style="list-style-type: none"> <li>• reevaluation of recycling program</li> <li>• green waste strategies</li> <li>• composting</li> </ul>	<b>Issue: 10.6.</b> Waste diversion, through recycling and source reduction, should be monitored for consistency according to each jurisdiction's existing programs and demographics.
	<b>Action: 10.6.</b> Oppose legislation, which would increase diversion mandates above 50%.

**City of Modesto  
2004-2005 Legislative Platform**

<b>10. Solid Waste</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<b>Issue: 10.7.</b> Hazardous electronic discards are an increasing problem, with over a million computers becoming obsolete in California each year. Cathode ray tubes from computers, televisions, camcorders, and other items contain lead and other materials that can pose hazards to human health and the environment and are prohibited from disposal in Class III landfills.
	<b>Action: 10.7</b> Support legislation requiring computer and other hazardous electronics producers to operate or fund comprehensive programs whereby products are sustainably designed and labeled, as well as legislation that creates a convenient collection infrastructure that will result in a high rate of recovery and maximizes environmentally sound reuse and recycling of such hazardous electronics products.

<b>11. Water Supply/Management</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<b>Issue: 11.1.</b> The City's ability to protect its groundwater reserves is impacted by the ability to secure rights to surface water and groundwater reserves.
	<b>Action: 11.1.</b> Support measures, which increase water supply or improve water quality within the city/region.
	<b>Issue: 11.2.</b> Conservation of resources is a responsibility of all, including local government.
	<b>Action: 11.2.</b> Support legislation that will encourage the use of drought tolerant plant material and water conservation techniques.
	<b>Issue: 11.3.</b> Support water management strategies that are financially as well as scientifically responsible.
	<b>Action: 11.3.</b> Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.

**City of Modesto  
2004-2005 Legislative Platform**

City's Strategic Plan Element	Legislative Issue
	<p><b>Issue: 11.4.</b> Water providers must comply with drinking water standards established at both the State and Federal level.</p> <p><b>Action: 11.4.</b> Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.</p>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 11.5.</b> Support water management strategies that are financially as well as scientifically responsible.</p> <p><b>Action: 11.5.</b> Support measures that will fund water management improvements.</p>
	<p><b>Issue: 11.6. Proposed legislation, Assembly Bill No. 2572, requires urban water suppliers to install water meters by 2025 on all service connections constructed before 1992. It further requires urban water suppliers to charge customers who have meters installed based upon the volume of water deliveries. This charge must be set in place by 2010. The bill provides no state funding mechanism for meter installation, but provides for urban water providers to recover these costs from rates, fees or charges.</b></p> <p><b>Action: 11.6. Support AB No. 2572. Citywide metering extends the life of the water system, promotes conservation and eliminates inequities associated with a flat rate structure.</b></p>

**12. Communication/Technology**

City's Strategic Plan Element	Legislative Issue
IV.B.1. Seek state, federal and private grant funding for technology.	<p><b>Issue: 12.1.</b> Cities must have the authority to zone and plan for the deployment of telecommunications infrastructure and to maintain and manage the public rights-of-way and receive compensation for its use.</p> <p><b>Action: 12.1.</b> Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right-of-ways and affecting conditions addressed by local planning and land use policies.</p>
IV.B.2. Identify potential public/private technology partnerships.	<p><b>Issue: 12.2.</b> Technology fuels economic development. That said, it is unlikely that local funding alone will accomplish the level of investment necessary to recognize all the benefits of the "information superhighway."</p> <p><b>Action: 12.2.</b> Support legislation to fund telecommunication planning and implementation.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<p>IV.B.1. Seek state, federal and private grant funding for technology.</p> <p>IV.B.2. Identify potential public/private technology partnerships.</p>	<p><b>Issue: 12.3.</b> Geographic Information Systems (GIS) is a computerized mapping system that allows for the computerized inventory of infrastructure and other city assets. It provides an easy means for graphically presenting information, enhances the planning process, and promotes the sharing of information between agencies.</p> <p><b>Action: 12.3.</b> Support legislation to fund GIS to better manage regional resources, respond to emergencies and plan for growth.</p>
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### 13. Energy

City's Strategic Plan Element	Legislative Issue
<p>VII.A.1. Proactively seek state and federal funding for local projects.</p>	<p><b>Issue: 13.1.</b> Numerous bills have been introduced during the 2001 legislative session to deal with the energy situation facing California consumers. Earlier this year, the League of California Cities adopted policy positions related to this issue. These policy statements will focus the League's efforts as all of these bills start moving through the process. The Modesto City Council, at their meeting of April 10, 2001, agreed to adopt these policy statements as part of their legislative platform when it is brought forward. The following Actions summarize the aforementioned policy statements.</p> <p><b>Action: 13.1.a.</b> Support conservation recommendations proposed by the League and California State Association of Counties.</p> <p><b>Action: 13.1.b.</b> Support legislation that provides direct funding for conservation and demand reduction projects in city facilities; seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting.</p> <p><b>Action: 13.1.c.</b> Support incentives that stimulate development and siting of more energy generation facilities.</p> <p><b>Action: 13.1.d.</b> Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold.</p> <p><b>Action: 13.1.e.</b> Support not getting directly involved with proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions.</p> <p><b>Action: 13.1.f.</b> Support actions to exempt cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility.</p> <p><b>Action: 13.1.g.</b> Support not getting directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection.</p> <p><b>Action: 13.1.h.</b> Support all bills that enhance the public power options available to cities and counties.</p>

**City of Modesto  
2004-2005 Legislative Platform**

	<p><b>Action: 13.1.i.</b> Support attempts to ensure that resolution of the energy shortage seeks equity for ratepayer classes and communities.</p> <p><b>Action: 13.1.j.</b> Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded; seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly.</p> <p><b>Action: 13.1.k.</b> Support efforts to determine whether market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity did occur.</p>
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**14. Public Safety**

City's Strategic Plan Element	Legislative Issue
	<p><b>Issue: 14.1.</b> The Modesto Police Department, like other municipal law enforcement agencies, spends an inordinate amount of time enforcing federal and state drug laws. In many drug cases, assets of responsible parties can be seized and after due process can be sold, with the proceeds going to local criminal justice agencies involved in the responsible parties' arrests and prosecutions.</p> <p><b>Action: 14.1.</b> Support measures which would provide a greater share of seized assets to localities.</p>
	<p><b>Issue: 14.2.</b> Driving under the influence of alcohol/drugs constitutes a dangerous crime to the Modesto citizenry and DUI laws are strictly enforced by the Modesto Police Department. Each and every DUI arrest by the Modesto Police Department is a significant drain on public safety resources for the City.</p> <p><b>Action: 14.2.</b> Support efforts which allow local agencies to recover from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.</p>
	<p><b>Issue: 14.3.</b> Fines and forfeitures are a traditional source of revenue for local law enforcement. These revenues have been eroded for municipal government through the passage of State law that allow numerous state or county charges, penalties or assessments to be levied against those fines and forfeitures.</p> <p><b>Action: 14.3.a.</b> Oppose attempts to transfer more fine and forfeiture funds to counties.</p> <p><b>Action: 14.3.b.</b> Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.</p>
H.I.B.6. Assess Drug Enforcement Efforts and minimize duplication of	<p><b>Issue: 14.4.</b> Illegal drug trafficking, manufacture, sales and use are crimes in themselves and are also linked to other crimes that consume vast amounts of law enforcement resources. Prevention of illegal drug use is the most cost effective and efficient method to reduce drug and drug-related crime.</p>

**City of Modesto  
2004-2005 Legislative Platform**

minimize duplication of efforts (SDEA, MNET, etc.).	<b>Action: 14.4.</b> Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.
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<b>14. Public Safety</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 14.5.</b> Graffiti is a blight to Modesto's community appearance; it is a crime of vandalism; and, it may incite gang action and/or retaliation.</p> <p><b>Action: 14.5.</b> Support additional legislation to fight graffiti which would:</p> <ol style="list-style-type: none"> <li>1) Expand parental responsibility.</li> <li>2) Prohibit the issuance of a driver's license to anyone under the age of 18 who has been convicted of graffiti offenses.</li> <li>3) Require publication of names to anyone arrested for graffiti offenses.</li> </ol>
	<p><del><b>Issue: 14.6.</b> The City of Modesto currently faces the cost of retrofitting the old Police Building into a patrol operations facility. The costs for this remodel/retrofit are high, in part due to the state requirements to bring the building to current earthquake building standards.</del></p> <p><del><b>Action: 14.6.</b> Support legislation providing cities and counties with State funding for retrofitting essential buildings (for examples: hospitals, fire and police buildings) to current earthquake standards.</del></p>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 14.76.</b> City of Modesto law enforcement costs continue to escalate due to the costs of necessary police personnel, the need for more sophisticated technological police equipment, the need for effective juvenile crime prevention programs and the existence of clandestine methamphetamine labs in the area.</p> <p><b>Action: 14.76.a.</b> Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of Modesto communities (for law enforcement officers and equipment).</p> <p><b>Action: 14.76.b.</b> Support legislation that will increase funding for public safety technology improvement.</p> <p><b>Action: 14.76.c.</b> Support legislation and increased funding for juvenile crime prevention and abatement programs.</p> <p><b>Action: 14.76.d.</b> Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.</p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>14. Public Safety</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<b>Action: 14.76.e</b> Support legislation that would make Bureau of Narcotics Enforcement Task Force labs available to our jurisdiction for evidence process and drug lab clean-up.
	<b>Action: 14.76.f</b> Support legislation that would mandate revenue reporting of the State's 911 Fund, mandate revenue use for 911 systems only, and mandate distribution of all or a finite percentage of the funds to local governmental jurisdictions or communications centers.
	<b>Action: 14.87.g</b> Support State legislation that protects current City revenues: SLESF (State Law Enforcement Services Fund) CLEEP (California Law Enforcement Equipment Program) Payment of Booking Fees Vehicle License Fees Property Taxes Sales Taxes

City of Modesto  
2004-2005 Legislative Platform

	<p><b><u>Issue: 14.8 California Proposition 36 also known as the “Substance Abuse and Crime Prevention Act of 2000” currently allows 1st and 2nd time nonviolent, simple drug possession to receive drug treatment instead of incarceration. In a sense this decriminalize drug use and needs to be either repealed or modified. The Drug Court Model is a proven method that has been weakened by Proposition 36.</u></b></p> <p><b><u>Action:14.8a Support legislation that repeals or significantly modifies Proposition 36.</u></b></p> <p><b><u>Action: 14.8b Support legislation that facilitates the implementation of the Drug Court Model.</u></b></p>
	<p><b><u>Issue: 14.9 California’s Three Strike Law is intended to keep repeat violent and serious felony offenders off the streets. The proposed Proposition 66 weakens that law and gives criminals more avenues to avoid life term incarcerations.</u></b></p> <p><b><u>Action: 14.9 Oppose legislation that weakens California’s Three Strike Law</u></b></p>
	<p><b><u>Issue: 14.10 The current process that local law enforcement agencies must go through to acquire Federal Homeland Security funds is difficult and cumbersome.</u></b></p> <p><b><u>Action:14.10 Support legislation that facilitates local law enforcement ability to acquire the needed Federal Homeland Security funds.</u></b></p>
	<p><b><u>Issue: 14.11 Legislation reducing the immunity of local public safety entities for public safety actions such as pursuits, SWAT activities, negotiations, fire suppression and other emergency responses will hinder the ability of City of Modesto public safety departments to protect and to serve the community.</u></b></p> <p><b><u>Action: 14.11 Oppose legislation that reduces immunity for public safety actions i.e. pursuits, SWAT activities, negotiations, fire suppression and general emergency responses.</u></b></p>
	<p><b><u>Issue: 14.12 There are occasions when the Modesto Police Department works on extreme or extraordinary criminal cases. An example of this is the Scott Peterson murder investigation. These investigations are very costly and can deplete the funds in the department’s budget very quickly.</u></b></p>
	<p><b><u>Action: 14.12 Support legislation that provides funding support to local law enforcement agencies who work on extreme or extraordinary criminal investigations.</u></b></p>

**City of Modesto  
2004-2005 Legislative Platform**

<b>15. Parks and Open Space</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
I.A.2.a (10) Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc.	<b>Issue: 15.1.</b> Many of the City's older parks and facilities are in need of renovation, and some infrastructure has been removed due to its unsafe condition. In addition, many facilities in need of rehabilitation contain asbestos and other toxic materials.
	<b>Action: 15.1</b> Support/encourage legislation that includes funding for general facility rehabilitation and asbestos/toxic material abatement.
	<b>Issue: 15.2</b> The City of Modesto is aggressively trying to meet the regulations on accessibility to its existing facilities. The City is now relying on the use of CDBG funding, which could be better redirected into programs and services.
	<b>Action: 15.2</b> Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations.
III.B.5.c Develop the Virginia Corridor as a priority Class I Bikeway	<b>Issue: 15.3</b> The City of Modesto is currently finalizing the process of securing an abandoned railroad corridor, utilizing the Rails to Trails Program. The City's plan for this 4.2 mile right-of-way is to develop a linear park and a Class I bikeway/pedestrian trail.
	<b>Action: 15.3</b> Seek legislation that will include funding for this project as a line item. Encourage inclusion of non-motorized projects in air quality and traffic congestion mitigation legislation.
IX.B.4. Physically and visually link downtown amenities to the Tuolumne River Regional Park Gateway parcel. C.I.A.4. Seek funding for, and implement the Tuolumne River Regional Park Master Plan	<b>Issue: 15.4</b> The Tuolumne River Regional Park Joint Powers Authority has completed the Master Plan and Environmental Impact Report for the 700+ acre park. The next step is to develop specific plans and related environmental assessments for each park segment. Recently, state funding originally identified for the Tuolumne River Parkway was re-allocated to other projects. In addition, Proposition 40 contains funding for river parkways that has yet to be specifically allocated.
	<b>Action: 15.4</b> Seek support from the City's lobbyists and legislators to specifically identify the Tuolumne River Regional Park as a line item in Proposition 40 as well as other legislation providing funding for riparian habitat restoration and river parkways.

**MODESTO CITY COUNCIL  
RESOLUTION NO.2004-545**

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO.2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN (ANNEXATION No. 5)**

WHEREAS, pursuant to Chapter 3.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Chapter 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory; and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (“the District”); and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District; and

WHEREAS, the territory to be annexed is within the City limits;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County

Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85; the map entitled “Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86 (as amended by the map entitled “Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 90); the map entitled “Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 91; the map entitled “Annexation Map No. 3 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 96; and the map entitled “Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 99.

SECTION 3. The territory proposed to be annexed to the District (the “Territory”) is described in **Exhibit A**.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of

this Resolution, file the original in her office and, not later than ten days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SECTION 6. The special taxes to be levied in the District are also set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, December 7, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the

public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

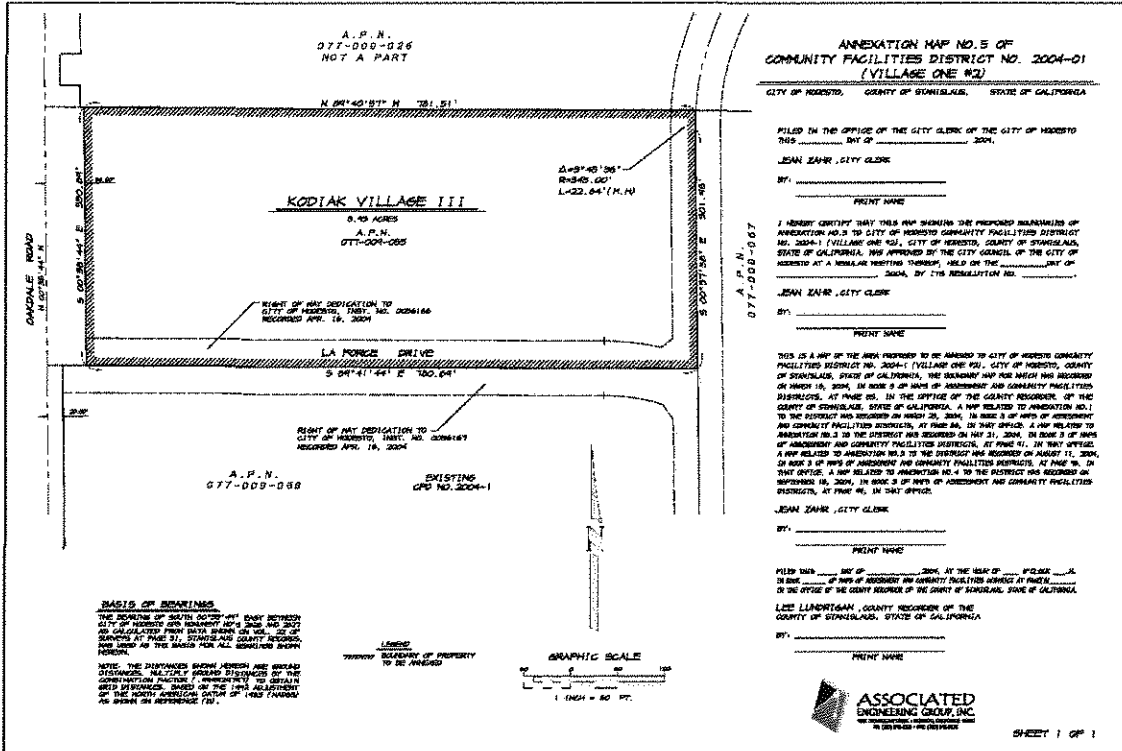
ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

ANNEXATION NO. 5 TO  
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-546**

**A RESOLUTION APPOINTING DEPUTY CITY MANAGER, GEORGE BRITTON, ACTING CITY MANAGER.**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that George Britton, Deputy City Manager, is hereby appointed Acting City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

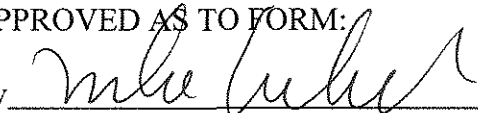
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-547**

**A RESOLUTION ACCEPTING THE 2003 ANNUAL GENERAL PLAN REPORT AND DIRECTING STAFF TO SUBMIT THE ANNUAL REPORT TO THE STATE OFFICE OF PLANNING AND RESEARCH AND THE STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.**

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report (“EIR”) for the Urban Area General Plan (SCH #92052017), and

WHEREAS, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-122, and 2004-233, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65400(b)(1) mandates that all planning agencies submit to their legislative bodies, the Office of Planning and Research, and the Department of Housing and Community Development an annual report on the status of the general plan and progress in its implementation, including the progress in meeting its share of regional housing needs and local effort to remove governmental constraints to the maintenance improvement and development of housing, and

WHEREAS, the Community & Economic Development Department has investigated and summarized all planning activity conducted in the year 2003 and prepared such a report, and

WHEREAS, on October 18, 2004, the Planning Commission held a duly noticed meeting in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed 2003 Annual General Plan Report, and

WHEREAS, at said meeting, the Modesto City Planning Commission passed a motion recommending the City Council accept the 2003 Annual General Plan report and its submittal to the State Office of Planning and Research and the Department of Housing and Community Development, and

WHEREAS, said matter was set for a meeting of the City Council to be held on October 26, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said meeting of the Council was held for the purpose of reviewing the proposed 2003 Annual General Plan Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2003 Annual General Plan Report and directs staff to submit said report to the State Office of Planning and Research and the Department of Housing and Community Development as shown on **Exhibit "A"** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

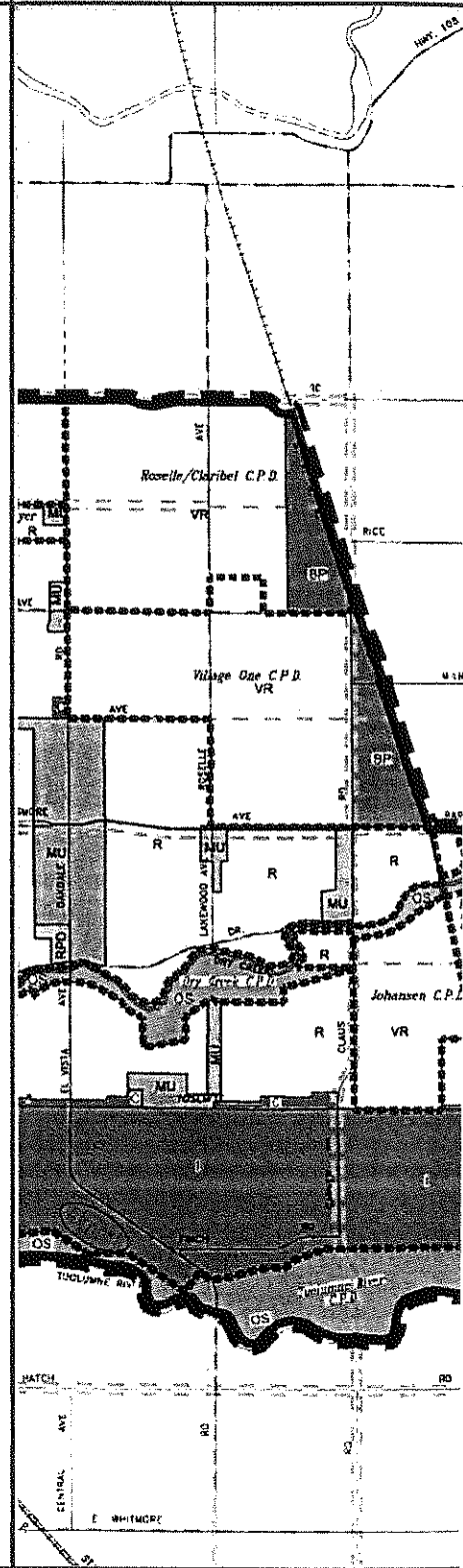
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

2003 ANNUAL GENERAL PLAN REPORT

”

# Annual General Plan Progress Report 2003



Annual General Plan  
Progress Report  
2003

City of Modesto  
Community and Economic  
Development Department  
Prepared October 2004

## 2003 Annual Report on the General Plan

Jurisdiction Name and Address:

Modesto Urban Area General Plan  
City of Modesto  
1010 Tenth Street, Suite 3300  
P.O. Box 642  
Modesto, CA 95353

Each Planning agency shall provide an annual report to the legislative body, the Office of Planning and Research, and the State Department of Housing and Community Development on the status of the General Plan and progress in its implementation, including the process in meeting its share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement and development of housing. This Report was prepared in a manner consistent with information provide by the State Office of Planning and Research. As there are no specific forms available, it is presented to a large extent, in a textual format.

To the best of my knowledge, the representations and disclosures contained herein are true and correct.

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Signature of Authorized Representative

Director, Community and Economic Development Department  
Title

(209) 577-5267  
Telephone Number

# 2003 Annual Report on the Modesto Urban Area General Plan

## Purpose

This Annual Report on the Modesto Urban Area General Plan is prepared pursuant to California Government Code Section 65400 (b). The purpose of this report is to update the Planning Commission, the City Council, the Governor's Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD) of the City's progress in implementing the City's General Plan and on progress in meeting regional housing needs. The General Plan serves to guide the City's overall growth for the next twenty years.

## Status of the Modesto Urban Area General Plan

The current Modesto Urban Area General Plan was adopted in August 1995. It is internally consistent and complies with California Planning and Zoning Law and the General Plan Guidelines adopted pursuant to Government Code Sections 65300 et seq.

In April 2004, the City adopted an updated Housing Element, which is one component of the General Plan, pursuant to Government Code Section 65588. The Housing Element was certified to be in compliance with State Law by HCD in May 2004.

## Progress in Implementation of the General Plan

Implementation of the Modesto Urban Area General Plan is ongoing. Activities generally include processing private development applications, amendments to adopted specific plans and the General Plan. All planning-related applications and development permits including building permits, rezones, parcel maps, and specific plans must be found to be consistent with the General Plan to obtain approval. Where inconsistencies are determined to exist, the Planning Commission and the City Council conduct public discussions to weigh the merits of the proposal as it affects the implementation and integrity of the General Plan.

A summary of various planning applications and efforts during 2003 is provided below. The summary describes applicant-initiated planning activity, City-initiated planning activity, and a discussion of housing policy implementation.

### **A. APPLICANT-INITIATED PLANNING ACTIVITY**

#### **1. General Plan Amendments**

The City considered one applicant-initiated general plan amendment, amending small areas on the City's General Plan Land Use Diagram as described below:

- a. An amendment to the Modesto Urban Area General Plan to shift comprehensive planning district boundaries in order to add a 17.4-acre property, located at the northeast corner of Coffee Road and Claratina Avenue, to the North Beyer Park Comprehensive Planning District.

A location map of each of this General Plan Amendments is provided as Map 1.

2. Specific Plan Amendments

In 2003, the City considered two specific plan amendments and commenced efforts to amend the Kiernan Business Park Specific Plan.

- a. An amendment to the North Beyer Park Specific Plan to include a 17.4-acre property at the northeast corner of Coffee Road and Claratina Avenue in the North Beyer Specific Plan and designate the site as Church (CH).
- b. An amendment to the Village One Specific Plan to allow for a revised Infrastructure Financing Plan, including the formation of a new Capital Facilities District for remaining undeveloped, unvested property in Village One.
- c. Efforts to amend the Kiernan Business Park Specific Plan began to accommodate the Kaiser Hospital and Cornerstone Business park project. The project would result in amending the specific plan, an amendment to the City's Sphere of Influence and annexation to the City limits. At the time of writing this report, the project was approved by the City and LAFCO and the annexation of the site was pending recordation.

3. General Plan Conformity Request. There was one applicant-initiated request considered for conformity with the General Plan in 2003.

- a. Conformity request for the vacation and abandonment of Beyer Park Drive.

4. Amendments to the Title X of Modesto Municipal Code (zoning code)

- a. There were no applicant-initiated requests considered in 2003.

5. Amendments to Standard Specifications. There were no amendments to the City's development standards during 2003.

6. Rezone of land use designations

During 2003, the City considered eight zone changes, listed as follows:

- a. Approved to prezone a 17.4-acre property to Specific Plan Overlay (SP-O) at Coffee Road and Claratina Avenue, within the North Beyer Specific Plan.
- b. Approved an amendment of Planned Development Zone (483) to redesignate land on the southwest corner of Dale Road and Fleur de Lis from retail to professional office condominiums.
- c. Approved to rezone property located on the southeast corner of Briggsmore Avenue and Coffee Road from Low-Density Residential (R-1) Zone and Professional Office (P-O) Zone to Planned Development Zone (559) to allow a 17,800-square-foot medical building and associated off-street parking.
- d. Approved to rezone property located between Briggsmore Avenue and St. Paul's Way, east of Oakdale Road from Low Density Residential (R-1) to Planned Development Zone (560) to allow for two dental offices and a sign package for the First Church of the Nazarene.
- e. Approved to rezone property located on the northwest corner of West Orangeburg and Martin Avenues from Planned Development Zones (416) and (550) to a new Planned Development (561) to allow for a three-story hotel.
- f. Approved to rezone property located on the west side of Carver Road opposite Montclair Drive from Low-Density Residential (R-1) to Planned Development Zone (562) to allow for a 14-unit townhouse, multi-family residential development.
- g. Approved to rezone property located on the east corner of 16<sup>th</sup> and G streets from Planned Development Zone (480) to Planned Development Zone (563) to allow for a two-story professional office building.
- h. Approved to rezone property located on the southwest corner of Briggsmore Avenue and Oakdale Road from Planned Development Zone (454) to Planned Development Zone (564) to allow 24,295 square feet of office and a 7,350-square-foot restaurant and an 8,625-square-foot financial/ retail building.

7. Precise Plan Amendments

In 2003, the City adopted or amended 9 Precise Plan Areas within the Village One Specific Plan. Precise Plan Areas serve as specific zoning and are intended to implement the Village One Specific Plan. The nine precise plan applications were as follows:

- a. Adoption of Precise Plan Area No. 20 of the Village One Specific Plan amending the zoning from Specific Plan Holding (SP-H) to Specific Plan Overlay (SP-O). The area is located on the northwest corner of Roselle and Floyd Avenues.
- b. Adoption of Precise Plan Area No. 18 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The area is generally located at the northwest corner of Floyd Avenue and Lincoln Oak Drive.
- c. Approval of a Final Development Plan in the Village One Specific Plan Precise Plan Area No. 27 for a twenty-four-unit apartment complex on property located at the northwest and northeast corners of Merle Avenue and Paramount Way.
- d. Approval of a Final Development Plan in the Village One Specific Plan Precise Plan Area No. 18 for a 248-unit apartment complex on property located at the southwest corner of Kodiak and Lincoln Oak Drives.
- e. Approval of a Final Development Plan in the Village One Specific Plan Precise Plan Area No. 20 for a 248-unit apartment complex on property located at the northwest corner of Floyd and Roselle Avenues.
- f. Adoption of Precise Plan Area No. 15 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located at the northwest corner of Kodiak Drive and Bear Cub Lane.
- g. Adoption of Precise Plan Area No. 16 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located east of convergence of Hillglen Avenue and Kodiak Drive.
- h. Adoption of Precise Plan Area No. 2 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located at the southeast corner of Sylvan Avenue and Oakdale Road.
- i. Adoption of Precise Plan Area No. 17 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located at the northeast corner of Floyd Avenue and Oakdale Road.

8. Variances

The City considered three variance applications consisting of three requests to encroach within the setback requirements, listed as follows:

- a. Denial of a variance for properties located at 1629 Westridge Place and 1620 Radcliff Avenue. The variance request was to permit an extension of a six-foot- high fence into the side-yard setbacks.
- b. Approval of a variance to permit a new two-story house with four-foot and six- foot side and rear-yard setbacks respectively on property located at 926 Fourth Street in the R-3 Zone.
- c. Approval of a variance to allow a new garage to be built ten feet from the street right-of-way (Lucern Avenue) at 110 Chabot Court.

9. Conditional Use Permits

The City considered 13 conditional use permit (CUP) applications. These CUP applications involved a variety of land use proposals listed below.

- a. CUP granted for a parking area on a R-2 lot on Melrose Avenue.
- b. CUP granted for a second dwelling at 811 Third Street.
- c. CUP granted for Phase I of a 57,000-square-foot office development at Pelandale Avenue and Prescott Road.
- d. CUP granted for professional offices at Dale Road and Snyder Avenue.
- e. CUP granted to convert an existing duplex and add a new second dwelling unit at 529 Terminal Avenue.
- f. CUP granted for a 6-foot Tall Cellular Communications Antenna Facility and Related equipment at 2925 Snyder Avenue.
- g. CUP granted for a parking lot at Alma and Audrey Avenues.
- h. CUP granted for a combined business identification sign at 3025 McHenry Avenue.
- i. CUP amendment to allow an additional modular classroom building at 3337 Coffee Road.

- j. CUP granted for an expansion of Bethany Missionary Baptist Church at 3135 Sixth Street.
- k. CUP granted for a 48-bedroom residential care/service facility and variance to provide a18 off-street parking spaces, 1932 Evergreen Avenue.
- l. CUP granted for a new fire station at Carver Road and Pelandale Avenue.
- m. CUP granted to the applicant to occupy an existing building at Sylvan Avenue and Oakdale Road.

10. Plot Plan Applications

The City considered three residential and two commercial Plot Plan applications. They are further described below:

- a. Plot Plan approval for property located at the northeast corner of Julian and Fusco Avenues. The Plot Plan application was for the creation and development of two flag lots in the R-1 Zone.
- b. Plot Plan approval for property located on 924 Rouse Avenue. The Plot Plan application was for the development of nine additional residential units in the R-2 Zone.
- c. Plot Plan approval for property located at 1304 Fiori Avenue. The Plot Plan application was for the development of a second dwelling unit in the R-1 Zone.
- d. Plot Plan approval for property located at on the west side of Coffee Road opposite Ensenada Drive. The Plot Plan application was for the development of a 2,600-foot office building in the Professional Office (PO) Zone.
- e. Plot Plan approval for property located at the northwest corner of Sylvan Avenue and Kingswood Drive. The Plot Plan application is for the development of a 7,500-square-foot medical office building and associated off-street parking.

11. Parcel and Subdivision Map Applications

The City processed 18 parcel map applications and 9 subdivision applications. The subdivision map applications involved 146.91 acres resulting in 678 new lots, a 47% increase over the previous year. The subdivision activity consisted of the following maps.

- a. Vesting Tentative Map of Granite Bay Townhouse Subdivision dividing 2.19 acres located at the southeast corner of Carson Oak Drive and Bridgewood Way into 24 lots.

- b. Vesting Tentative Map of Mira Loma Subdivision dividing 5.1 acres located on the southeast corner of Encina Avenue and North Conejo Avenue into 24 lots.
- c. Vesting Tentative Map of Pelandale Professional Park Subdivision dividing 1.82 acres located at the southwest corner of Dale Road and Fleur de Lis Drive into 16 office condominium lots.
- d. Vesting Tentative Map of Hacienda Del Sol Subdivision dividing 50 acres located on the northwest corner of Floyd Avenue and Lincoln Oak Drive into 171 single-family lots and a ten-acre multi-family parcel.
- e. Vesting Tentative Map of Village Ranch Subdivision dividing 40 acres located on the northwest corner of Floyd and Roselle Avenue into 138 single family lots and a ten-acre multi-family.
- f. Vesting Tentative Map of Udonia Grove Subdivision dividing 2.7 acres located on the north side of Chicago Avenue, east of Udonia Lane into nine lots and a remainder parcel.
- g. Vesting Tentative Subdivision Map of Mesilla Valley Estates Subdivision dividing 1.06 acres located on the north side of Kansas Avenue, east of Garzas Court into 10 lots.
- h. Vesting Tentative Map of Kodiak Village Subdivision dividing 50 acres located immediately east of the convergence of Hillglen Avenue and Kodiak Drive into 201 lots.
- i. Vesting Tentative Map of Oakdale Road Subdivision dividing 13.5 acres located at the northwest corner of Hillglen Avenue and Wood Sorrell Drive into 93 lots.

A location map depicting the approved tentative subdivisions is included as Map 2.

12. Miscellaneous Development Permits

The City processed nine additional development entitlement permits as follows:

- a. Revised Development Plan for Planned Development (P-D)437 to allow outdoor storage on property located on the southwest corner of Carpenter and Torrid Avenues.
- b. Revised Development Plan for P-D(451) to allow a Walgreen's Drugstore at the southwest corner of Standiford Avenue and Carver Road.
- c. Revised Development Plan for P-D(35) to allow for the addition of a 5,000-square-foot office building on property located on the northwest corner of Celeste and Vera Cruz Drives.

- d. Amendment to P-D(133) for addition of two freestanding signs on property located on the north side of Standiford Avenue, west of Tully Road.
- e. Revised Development Plan for P-D(470) reducing building square footage and modified Condition No. 3, relating to traffic improvements for property located at the northwest corner of Carpenter Road and Torrid Avenue.
- f. Amendment to P-D(73) for a six-story, eight level parking structure and a two-story office building addition on property located at the northeast corner of Coffee Road and Briggsmore Avenue.
- g. Vacation and Abandonment of walkway right-of-way between 1333 and 1401 Locke Road.
- h. Denial of an appeal for a second-story addition at 928 Enslin Avenue.
- i. Denial of an appeal to re-use and existing freestanding sign at 2024 West Orangeburg Avenue.

13. Annexations

Approved the submittal of one annexation application of 17.4 acres located at the northeast corner Coffee Road and Claratina Avenue to the City of Modesto.

14. Building Permit Activity

During 2003, a total of 920 new resident building permits were issued. 844 were for single-family homes and 76 for multi-family units. A total of 44 building permits for new commercial development valued at approximately \$36,937,000 were issued. A total of 3 building permits for new industrial development valued at approximately \$936,700 were also issued.

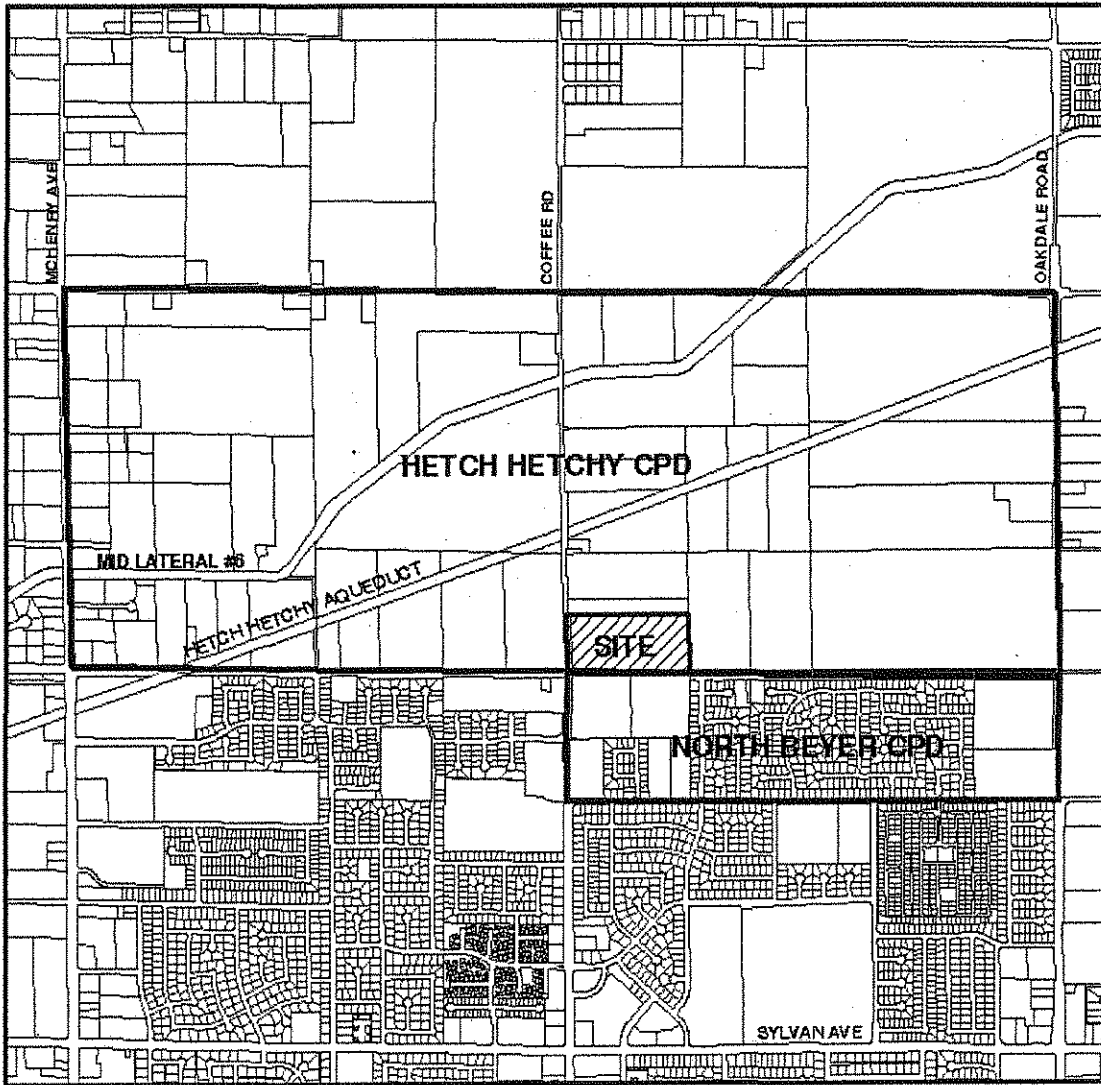
15. Summary of Planning Application Activity

A table summarizing the complete applicant initiated planning activity during 2003 is provided below.

**Table A  
Summary of Planning Application Activity During 2003:**

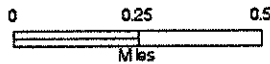
<b>Type of Application Activity in 2003</b>	<b>Number of Applications</b>
General Plan Amendments	2
Specific Plan Amendments	3
Precise Plan Amendments	9
Rezoning	8
Variances	3
Conditional Use Permit	13
Plot Plan Applications	5
General Plan Conformity	3
Amendments to the Zoning Ordinance	1
Amendments to the Standard Specifications	0
Miscellaneous Development Applications	9
Parcel Maps	18
Annexations	1
Subdivision Maps	9

# MAP 1

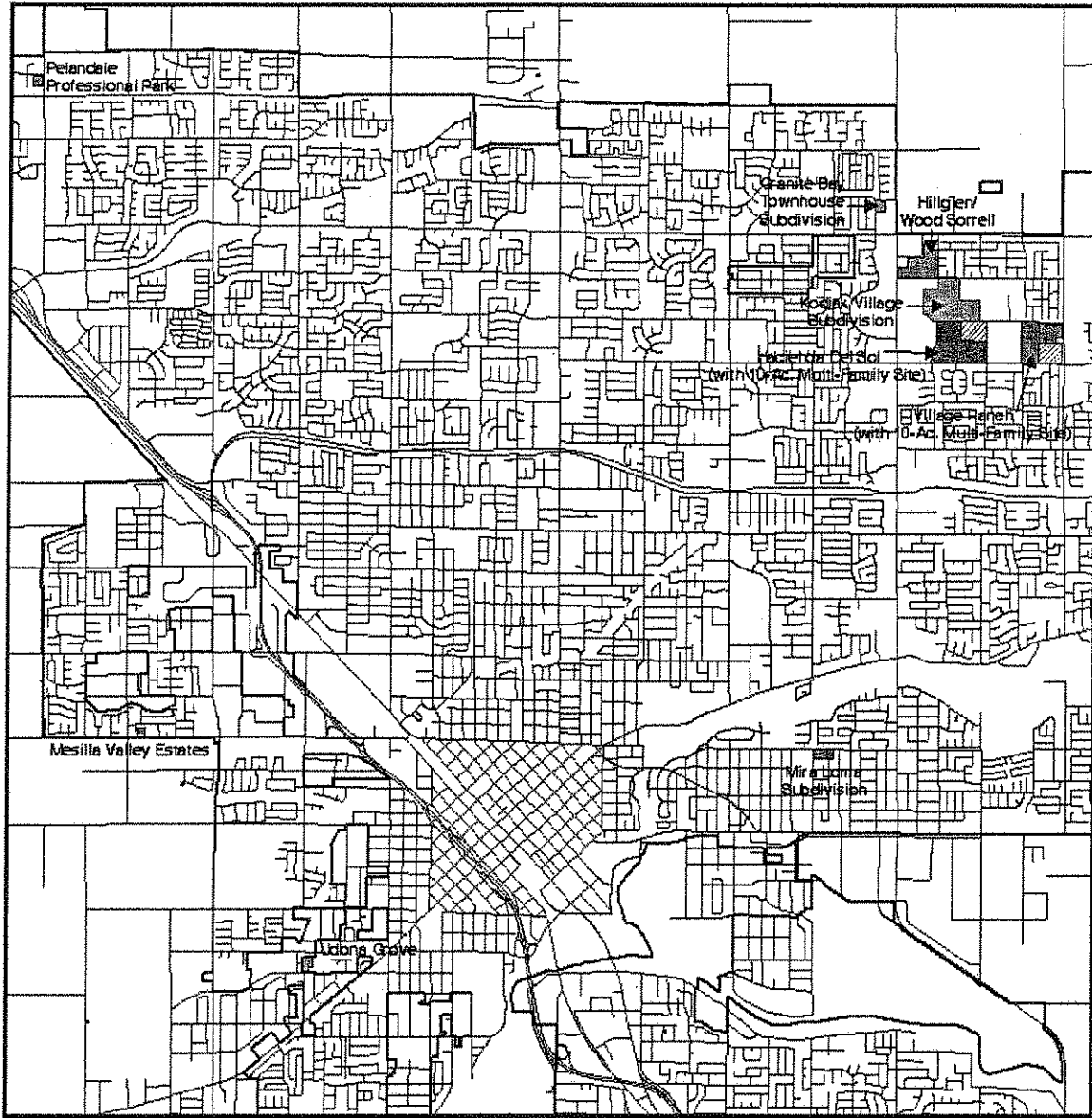


## GENERAL PLAN AMENDMENT SHELTER COVE ADDITION

JANUARY 2003





# MAP 2



## CITY OF MODESTO 2003 SUBDIVISION ACTIVITY

9 Subdivisions  
146.91 Acres  
679 Lots



 Subdivisions  
 City Limit

## **B. CITY INITIATED PLANNING ACTIVITY**

During 2003, the City of Modesto also conducted proactive planning activities. These activities focused on a variety of development issues.

### **1. General Plan Amendment and Master Environment Impact Report.**

On March 4, 2003, the City Council certified the General Plan Master Environmental Impact report (MEIR) update and adopted amendments to the General Plan to approve changes to the Circulation and Transportation Map, School Policy text, Archaeological and Historic Resource Policies, Airport Noise Policy, Employment Estimates in Comprehensive Planning Districts (CPD), combine CPD's to create a Salida CPD consistent with the County General Plan.

### **2. Housing Element Update**

The Community and Economic Development Department in collaboration with the Parks, Recreation and Neighborhoods Department completed a draft of the Housing Element update in 2003. The Housing Element was eventually adopted by the City of Modesto on April 27, 2004 and certified to be in compliance with Housing Element Law by the Housing and State Department of Housing and Community Development on May 11, 2004.

### **3. Virginia Corridor Specific Plan**

The City Adopted the Virginia Avenue Corridor Specific Plan for the Virginia Corridor Trail Project, which is a proposed bicycle and pedestrian trail to be located within 4.2 miles of abandoned Union Pacific Railroad corridor, from Needham Avenue near downtown to Bangs Avenue in the north Modesto.

### **4. Kansas Avenue Business Park**

During 2003, the Community and Economic Development Department drafted a Guide for Development of the Kansas Avenue Business Park. The Guide outlines general design objectives for the Kansas Avenue Business Park, and is also used to reach a consensus for the development envisioned for the area. Work is now underway to complete a specific plan for the property. In addition, staff is also working on a focused environmental impact report for the proposed project. The proposed site is comprised 27 industrially zoned parcels, totaling 94 acres with approximately 45 acres being undeveloped.

### **5. Kiernan Business Park East**

The City held a series of meetings with property owners in the Kiernan Business Park Specific Plan to discuss the preparation of the Kiernan Business Park Implementation Plan. The plan would identify the necessary infrastructure and funding commitments necessary to permit development to occur within the Specific Plan area.

6. Roselle/Claribel Specific Plan, General Plan Amendment and Focused EIR

Staff from various City departments reviewed revised conceptual plans for the development of the Roselle/Claribel Specific Plan area. Oakdale Road, Sylvan Avenue, Roselle Avenue, and the Claratina Expressway border the project area. The Plan would establish the development pattern for approximately 480 acres.

7. Infrastructure Studies

The Public Works Department continued several infrastructure studies to measure the carrying capacity of existing sewer, water, and storm drainage infrastructure along with anticipated impact from the development of new growth areas. The results of these studies are scheduled for completion in 2004.

8. Community Parks

The City began the master plans for two community parks (Grogan Community Park and Sutton Community Park). Preparation of the site plans and the environmental review process for the projects began in 2003 and is expected to be adopted in 2004.

9. Urban Growth Policy Review

On July 1, 2003, the City Council approved the 2003 Urban Growth Policy Review Report. This report fulfills the Community Growth Strategy identified in the Modesto Urban Area General Plan. The primary purpose of the Urban Growth Policy Review Strategy is to review growth trends in Modesto and provide for the selection of potential areas to be served with urban infrastructure during the ensuing five years. As an end result of the review, the City Council scheduled the following three areas for a Measure M public advisory vote:

- a. Johansen/Empire North Comprehensive Planning District (CPD) areas (624 acres).
- b. A portion of the Kiernan/Carver CPD (limited to the Waterman and Luchessa properties, consisting of approximately 80 acres).
- c. Shackelford Neighborhood (153 acres of existing residential development).

Each of the three areas received a positive advisory vote. Actual annexation and development of these areas will be subject to additional requirements.

### **C. IMPLEMENTATION OF ENVIRONMENTAL MITIGATION MEASURES**

The City continues to require appropriate conditions to mitigate potential impacts to the environment. In association with the 1995 General Plan update, the City adopted a Master Environmental Impact Report (MEIR). The adopted MEIR contained a number of environmental mitigation measures that are triggered when certain criteria are present in or near the project area (e.g.: riparian area, noise contour levels). The City incorporates appropriate mitigation measures identified in the MEIR as conditions of project approval. Several Program Environmental Impact Reports have been prepared and adopted since the adoption of the MEIR in 1995. These documents are also used to augment the mitigation measures listed in the Final MEIR. The City updated the certain components of the Modesto Urban Area General Plan as well as certain components of the MEIR in March 2003 as described earlier.

### **D. IMPLEMENTATION OF HOUSING POLICY**

As part of the Annual General Plan Report, the City is encouraged to report on certain housing conditions as listed in Government Code 65583 and 65584.

#### **1. Local Housing Growth**

During calendar year 2003, the region and the City experienced average population and housing unit increases. The City issued 920 permits for new housing units in calendar year 2003. Applying an average density of 2.85 persons per household would increase the City's population by approximately 2,622 persons during 2003.

#### **2. Local Housing Costs**

For the most part, new housing units built during 2003 catered to moderate and above moderate-income households. The median sales price of homes increased from \$190,000 to \$220,000.

#### **3. Lending Rates**

During 2003, mortgage interest rates remained low. This has enabled households to either refinance or afford a new and often larger residence. However the cost of housing has continued to increase as well.

#### **4. Residential Land Inventory**

The City's vacant residential land inventory has decreased due to housing development around the City's fringe. At this time, it appears that the City has sufficient land to accommodate average housing construction for the next four years, based on historical growth rates. The ability to provide sufficient infrastructure to serve new development will continue to present a major challenge in the future.

5. Housing Element Update

During 2003, the City continued its efforts to update the Housing Element. The City conducted a series of committee workshops to facilitate the update of the Housing Element. The City contracted with a housing analyst (Cotton/Bridges/Associates) to assist in this effort. The update efforts resulted in a review of housing accomplishments, identification of housing needs, identification of constraints to housing development, and review of housing goals, policies and programs. At the time of writing this report, the State Department of Housing and Community Development found the City's adopted Housing Element to be in compliance with State Housing Law.

6. 2001-2008 Regional Housing Needs Allocation (RHNA)

During 2002, Stanislaus Council of Governments (StanCOG) developed the 2001-2008 Regional Housing Needs Allocation report. This report was submitted to the State's Department of Housing and Community Development (HCD) for review and consideration. HCD did not approve StanCOG's Regional Housing Needs Allocation. The State projected an overall RHNA of 35,000 for the StanCOG area. This resulted in allocation of 15,347 housing units for Modesto.

7. Accomplishments of Federally funded Housing Assistance Programs [HOME and Community Development Block Grant (CDBG)]

The following summarizes accomplishments in fiscal year 2003-2004 under Consolidated Plan goals. In both the Five-Year Consolidated Plan and the One-Year Annual Action Plan, the City of Modesto adopted the national goals that accompany the HUD entitlement grants, as well as prioritizing specific activities within those national goals. Please refer to the chart at the end of this section that provides detail on fiscal year 2003-2004 accomplishments by the type of program within each national goal area.

❖ ***Goal: Provide decent housing, including assisting homeless persons in efforts to obtain affordable housing, retention of affordable housing stock, and increasing the stock of housing affordable to low- and moderate-income people.***

Assessment of Progress: During the year, the City supported this goal through the use of HOME funds for the construction of affordable housing, by providing CDBG funds for the housing maintenance program to preserve existing housing stock, and the use of CDBG and ESG funds for emergency and transitional shelters. Lack of adequate, affordable housing continues to be a major concern in our community. All low-income individuals and families are impacted, especially those with disabilities.

The main funding provided by the City of Modesto for the construction of new affordable housing was the funding to the Housing Authority of Stanislaus County for the construction of Miller Pointe and additional funds

for the STANCO project located at 3333 Carver. The Miller Pointe project, slated to open in September of 2004, will provide very-low income citizens with psychiatric disabilities with 16 units of housing. The project, co-sponsored by the Housing Authority of Stanislaus County, the County of Stanislaus Behavioral Health & Recovery Services Department, as well as the City of Modesto, is another excellent example of supportive housing in Modesto.

The Carver Road project will add an additional 18 units of affordable apartment complex units to the low-income residents of Modesto. This project is currently under construction, with the opening of the complex slated for January 2005. The City funded both projects with an additional funding of \$1,024,831, meeting the goal for Community Housing Development Organization (CHDO) set-aside funds and committing within \$100,000 of the amount estimated for HOME direct loans.

The Housing Rehabilitation Program continued to gain momentum in the target areas through the mandatory rehabilitation program areas and Citywide with the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) as well as the Minor Home Repair Grant Program. Over 52 housing units in the two mandatory target areas were inspected and completed, with 15 units currently in progress. Additionally, 13 housing units were completed under the EHRP/DAAP and 15 inspections and completions took place in the Minor Home Repair Grant Program. These statistics represent a 400% increase in inspections and completions from prior year's accomplishments. Additionally, the Housing Rehabilitation staff inspected 50 housing units in conjunction with the Tenant Based Rental Assistance (TBRA) Program, far exceeding the stated goal. Aid in the amount of \$124,973 was provided for the EHRP loans and \$25,301 for the Housing Maintenance Program loans in the mandatory target areas. In this area, the goal of completing 36 new inspections was far exceeded as well as the number of EHRP units completed. Due to an increased amount of private financing, the direct loan amount required was down; resulting in an increased number of units completed with less HUD funds. In the housing program, no demolitions were required and only one housing rehabilitation unit required temporary relocations, due to the project scope. No permanent relocation activities were triggered by HUD funds during program year 2003-2004.

The need for emergency and transitional shelters for the homeless continues to grow in our community. The City contracted out all of its Emergency Shelter Grant (ESG) funds to provide shelter needs of the homeless. Unfortunately, ESG funding can only provide for a minimum of the needs in our community, due to the small amount of funds received. In addition to the ESG, a special round of CDBG funding in the amount of \$69,000 was allocated to two local agencies to provide emergency winter shelter services. Due to this funding, as well as significant leveraging by the partnership agencies, over 602 homeless residents received housing during the winter season.

Also, City staff continued to work closely with the Housing and Support Services Collaborative to bring more funding into our community to address both the short- and long-term needs of our homeless population. It is only through the collaborative efforts of the many agencies that real progress in the homeless arena will be made. This "Collaborative" is in progress of creating a "10-year Plan to Eliminate Long-Term Homelessness" in response to HUD's mandate. It is anticipated that a community meeting to discuss the draft report will be scheduled before the end of the calendar year.

**Table B**  
**Summary of Federally Funded**  
**Housing Program accomplishments during 2003-2004:**

<b>Housing Type</b>	<b>Number of Households Assisted</b>
Owner Occupied Housing <i>Rehabilitation</i>	# of rehabs completed for low income households: <b>12</b> # of rehabs completed for very-low income households: <b>1</b>
Tenant Occupied Housing <i>Rehabilitation</i>	# of rehabs completed for low income households: <b>1</b>
Housing Unit Inspected in Target Areas	# of houses inspected: <b>45</b> # of houses with no code violations: <b>39</b> # of houses with Rehab in Progress: <b>6</b>
Owner Occupied Housing <i>Property Enhancement/Improvement</i>	# of low income households assisted: <b>1</b>
Owner Occupied Housing <i>Emergency Home Repairs</i>	# of low income households assisted: <b>11</b> # of very low income households assisted: <b>2</b>
Owner Occupied Housing <i>Disabled Access Assistance</i>	# of disabled households assisted: <b>4</b> (all of these also received an emergency home repair loan as well)
Owner Occupied Housing <i>Acquisition/Down Payment</i>	# of homebuyers assisted: <b>7</b>
Rental Housing-Multi Family <i>Acquisition/Construction</i>	# of units constructed: <b>34</b> units funded and in process- 0 complete at this time
Rental Housing-Multi Family <i>Acquisition/Rehabilitation</i>	# of units acquired/rehabilitated: <b>0</b>
Rental Housing <i>Tenant Based Rental Assistance</i>	# of low income households assisted: <b>23</b> # of very low income households: <b>19</b>
Emergency Shelter & Services	# of unduplicated homeless persons served: <b>2,185</b>
Special Facilities & Services <i>Children &amp; Teenagers at risk</i>	# of unduplicated homeless persons served: <b>524</b>

**E. PROGRESS IN MEETING THE REGIONAL HOUSING NEEDS**

The 2001-2008 Housing Needs Report required a total annual housing need as follows:

<b>Income Group</b>	<b>Annual Housing Need</b>	<b>Housing added in 2003</b>	<b>Remaining Need</b>
<b>Very Low</b>	450	0	<b>450</b>
<b>Low</b>	348	76	<b>272</b>
<b>Moderate</b>	430	42	<b>388</b>
<b>Above Moderate</b>	818	802	<b>16</b>
<b>Total</b>	2,046	920	<b>1,126</b>

The development of housing for very-low and low-income residents has been low at best. Affordable housing is a common issue faced by other communities throughout the State, and at this time is the focus of the proposed Housing Element update.

**F. ISSUES TO BE ADDRESSED**

The following issues are proposed to be addressed in the near future. As this report is intended for informational purposes, no action is requested on these issues at this time.

1. General Plan Update

The General Plan's Community Growth Policy Review states:

*"A review of the growth trends in the Modesto Urban Area should be held on a periodic basis, perhaps annually. This periodic review should provide for the selection of potential urban areas to be served with urban infrastructure during the ensuing five years."*

*(Source: Modesto Urban Area General Plan Chapter II, Section C General Plan Maintenance, 1. Urban Area Growth Policy Review.)*

The Urban Growth Review considers existing residential, industrial, and commercial vacant land inventories. With this information the City Council provides direction on the timing and location of annexation of lands to the City. This will be based on availability and capacity of existing public infrastructure and the City's financial resources. With limited financial resources, the City will have to closely evaluate the rate of future growth and development. The City Council is scheduled to consider the City's Urban Growth Policy in the spring-summer of 2005.

As a result of any Urban Growth Policy Review actions, the City Council may require a General Plan Amendment. A comprehensive General Plan update may also be directed by the City Council. Subsequent development proposals will be encouraged to be developed under a comprehensive development plan (e.g. Specific Plan). The Modesto downtown area may also be an area of special focus to help it become a regional business and cultural center for the Stanislaus County region.

## 2. Infrastructure

As part of the Urban Growth Policy Review, City staff will be providing information on the adequacy of existing public infrastructure and the availability of City resources. The City will be examining the availability of water for domestic use. The City will be evaluating the ability of its wastewater delivery and treatment system. The costs associated with providing adequate infrastructure will be tied to development fees.

## 3. Affordable Housing

Land values continue to increase as available vacant land sites dwindle. This directly affects the ability of a household to purchase a home in Modesto. The City will review actions that may result in increasing the supply of vacant residentially designated land.

The Housing Element will examine a variety of strategies that the City can apply in increasing opportunities for housing.

Housing affordability is also directly tied to a household's earning level. To this end, the City is moving forward on developing specific plans for the development of business parks (e.g. Kansas Avenue Business Park, North Gateway Business Park, Northwest Business Park). In addition, the retention and expansion of local jobs will remain a Council priority.

## 4. Preservation of Important Farmland

The City is committed to preserving important farmland outside of its Sphere of Influence. As part of the Urban Growth Review, the City will be carefully considering the direction of development within its Sphere of Influence as it affects important farmland.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 548**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT  
FOR FOUR (4) LIGHTED CROSSWALK UNITS TO SMARTSTUD SYSTEM OF  
VICTORIA BC, CANANDA FOR A TOTAL ESTIMATED COST OF \$68,288.88**

WHEREAS, the Public Works Department-Traffic and Development Services Division has requested the purchase of four (4) Lighted Crosswalk Units, and

WHEREAS, the economic Development Committee (EDC), at their February 9, 2004, meeting discussed this item and concurred with staff's recommendation, and

WHEREAS, on February 24, 2004, the City Council adopted Resolution No. 2004-113 approving the installation of lighted crosswalks at the intersections of Sunrise Avenue and Coolidge Avenue, Orangeburg Avenue and Martin Avenue, Floyd Avenue and Vicki Drive, and Rumble Road and Wales Way, and

WHEREAS, funding from an Office of Traffic Safety (OTS) grant in the amount of \$60,000, and a \$10,000 grant from the Community Development Block Grant (CDBG) has been awarded to the City for the purchase of this equipment, and

WHEREAS, funding for the lighted crosswalk units are budgeted in Account No. 2300-160-A221 (OTS Lighted Crosswalks Various) and Account No. 1130-320-3254-0505 (Direct Services Non-Housing), and

WHEREAS, the installation of the lighted crosswalks will promote citizen safety and enhance the quality of life in our community in accordance with the goals stated in the City of Modesto Strategic Plan by providing efficient and effective movement of people, goods, and services by enhancing traffic safety in the area, and

WHEREAS, Modesto Municipal Code, (MMC) Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by resolution No. 2004-410, the City Council authorized the Purchasing Supervisor to solicit formal bids for the purchase of four (4) lighted crosswalk units, and

WHEREAS, the Purchasing Division solicited formal bids for four (4) lighted crosswalk units, and

WHEREAS, out of eight (8) vendors solicited, three (3) responded to the RFB, and

WHEREAS, the bids received were evaluated per specification 0405-02 by the Purchasing Division and the Public Works Department staff, and

WHEREAS, SmartStud System of Victoria, BC, Canada is the lowest responsive and responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contact for four (4) lighted crosswalk units to SmartStud Systems of Victoria, BC. Canada for a total estimated amount of \$68,288.88.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-549**

**A RESOLUTION TERMINATING DESARROLLO LATINO AMERICANO, INC. (DLA) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AND COMMUNITY BASED DEVELOPMENT ORGANIZATION (CBDO) STATUS.**

WHEREAS, On September 15, 1998, by Resolution 98-490, the City Council designated Desarrollo Latino Americano, Inc. (DLA) as a local Community Housing Development Organization (CHDO); the "CHDO" term is a Department of Housing and Urban Development (HUD) designation given to local non-profit agencies that work in communities to provide affordable housing for communities low-income residents, and

WHEREAS, to be designated as a CHDO, an organization must meet certain requirements pertaining to their legal status, organizational structure, capacity, and experience; a CHDO is intended to respond to a particular community's needs; and a minimum of one-third of the organization's board is required to be either a low income resident, reside in a low-income community, or be an elected representative of a low-income neighborhood organization, and

WHEREAS, in addition, to receive a CHDO designation, the organization must be legally recognized as a non-profit, community-based service organization; a CHDO must be committed and have the capacity to develop affordable housing in the community it serves, and

WHEREAS, on May 23, 2000, by Resolution 2000-241, the City Council designated DLA as a local Community Based Development Organization (CBDO); to receive a CBDO designation, an organization must be a legally recognized non-profit,

community based service organization conducting activities in neighborhood revitalization, community economic development, or energy conservation, and

WHEREAS, in addition, there is a requirement that 51% of the agency's board be low-moderate income residents of its service area or owners or officers of entities located in the service area or representatives of low-moderate income organizations in the service area; HUD regulations Section 570.24(c)(2) qualifies any entity as a CBDO that has been designated by a HOME participating jurisdiction as a CHDO, and

WHEREAS, after reviewing the HOME Program and the Community Development Block Grant (CDBG) regulations and DLA's organizational capacity, financial status, and lack of Board participation or existence, staff is recommending terminating this organization's CHDO and CBDO status, and

WHEREAS, the Community Development Committee (CH&CDC) met on September 24, 2004, and accepted staff's recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to terminate Desarrollo Latino Americano, Inc. (DLA's) Community Housing Development Organization (CHDO) and Community Based Development Organization (CBDO) status.

BE IT FURTHER RESOLVED that staff is hereby authorized to send a letter to Desarrollo Latino Americano with the Council's resolution, and to notify the Department of Housing and Urban Development (HUD) to remove DLA's CHDO and CBDO status.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-550**

**A RESOLUTION APPROVING THE APPLICATION FOR \$1,000,000 IN FUNDING FROM THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, FOR THE DEVELOPMENT OF A SOCCER COMPLEX AT MARY E. GROGAN PARK AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND CONTRACT DOCUMENTS.**

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible Applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the California Youth Soccer and Recreation Development Program and the grant Project shown above within the State, setting up necessary procedures, and

WHEREAS, development of the Soccer Complex at Grogan Community Park is consistent with the California Youth Soccer and Recreation Development Program grant project criteria, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:

1. Approves the filing of an Application for \$1,000,000 in local assistance funds from the California Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and
2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and
3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
4. Certifies that the Grantee has or will have available, prior to commencement of any work on the project, the required match; and
5. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and
6. Appoints the Acting City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-551**

**A RESOLUTION APPROVING AN ADDITIONAL AGREEMENT WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. FOR PREPARING DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS, AND FOR PERFORMING BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE VIRGINIA AVENUE CORRIDOR BIKE TRAIL/LINEAR PARK PROJECT, PHASES III THROUGH VII, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the Virginia Avenue Corridor Trail Project (“Project”) consists of conversion of the abandoned, 4.2 mile Union Pacific Railroad corridor – from City’s central business district at Needham Avenue to the northern City boundary at Bangs Avenue – to a premier linear park with Class I bikeway and pedestrian trail, and

WHEREAS, the project will provide a key north-south component to the City’s non-motorized transportation system, and it will provide links to three of the City’s existing east-west Class I bike trails (the Dry Creek and Tuolumne River corridors and the Hetch-Hetchy Right-of-Way corridor) as well as numerous Class II bike lanes and Class III bike routes along roadways, and

WHEREAS, Phase I of the trail construction is titled “Virginia Corridor Crossings and Grade Restoration”, and will provide LED lighted crosswalks at five crossings, lowered grades at most street/trail crossings, lights and accessible ramps; this phase of work has begun construction and is anticipated for completion by April 2005, and

WHEREAS, Phase II trail construction will occur along the old rail corridor adjacent to Roseburg Square, between Roseburg and Orangeburg Avenues; Modesto’s five Rotary Clubs have committed to combining resources with the City in providing funding, in-kind labor and materials for this project phase, to be known as the “Five

Rotary Clubs of Modesto Centennial Junction” section of the Project; and this phase of the Project will commence this December, with completion anticipated for July 2005., and

WHEREAS, the City of Modesto wishes to continue the design development and construction of the Virginia Corridor as identified in the adopted Virginia Corridor Specific Plan, and

WHEREAS, the City’s Parks, Recreation and Neighborhoods Department now wishes to enter into a separate agreement with Callander Associates Landscape Architecture to provide for design development, construction documents, and bidding and construction administration services for Phase III through Phase VII, and

WHEREAS, the opportunity to utilize the same consultant from Specific Plan through final construction documents, for all phases, continues a proven relationship with the City and the community, ensures consistency in the project design, and maintains the necessary background and knowledge base, thus reducing costs to the City because the knowledge base will not need to be transferred, and

WHEREAS, the Safety and Communities Committee met on October 4, 2004, and supported the recommendation to enter into an additional agreement with Callander Associates Landscape Architecture, Inc. for preparing design development, construction documents, and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phases III through VII,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an additional agreement with Callander Associates Landscape Architecture, Inc. for preparing design development, construction documents,

and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phases III through VII.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# EXHIBIT "A" or "Project"

## Scope of Work Virginia Corridor Master Plan Phase Three Design Development, Construction Documents, and Bidding and Construction Administration

### A. Project Description:

The City of Modesto wishes to continue design development and construction of the Virginia Corridor Master Plan as identified in the adopted Virginia Corridor Specific Plan. The City envisions the bicycle path and associated linear park elements to provide a major north/south non-motorized transportation spine for the residents of Modesto. The magnitude of the project, both in length and anticipated construction costs, requires that the project be constructed over a series of seven phases. The first two phases being complete, the following Scope of Work includes provisions for design development, construction documents, and bidding and construction administration services for phase three only.

### B. Construction Costs

The following construction estimates are based upon the October 8, 2003 estimate of probable construction costs by phase. These estimates include our assumptions for scope of improvements and construction costs. Refer to attached Phase Three Project Limits Diagram, dated September 17, 2004, for phase location.

Phase Three	\$3,185,742
Needham to Roseburg	
Orangeburg to Granger	

### C. Phase Three Elements

The elements to be included in the phase three project are as follows and within the project limits as indicated in the June 28, 2004 Project Limits Diagram attached and as detailed in the September 11, 2003 Estimate of Probable Construction Costs and the October 8, 2003 estimate of probable construction costs by phase.

- Development of donation package and marketing poster for the entire Virginia Corridor
- Class One bike path from Roseburg to Needham
- Entry nodes at Granger (southside), Orangeburg (northside), Roseburg (southside), Griswold/Princeton, Coldwell, Morris, Stoddard, College, and Needham
- On-street parking along Terminal Avenue
- Pedestrian lighting along path alignment

- Approximately 300 linear feet of box culvert for MID Lateral #4
- Pre-fabricated pedestrian bridge over MID Lateral #4
- Small park at Morris Avenue including play area, pre-fabricated restroom, picnic tables, and other amenities listed in cost estimates
- Coordinate work with a separate Virginia Corridor crossings and grade restoration project
- Improvements at Needham, College, Stoddard, Morris, Coldwell, Griswold, Roseburg, Orangeburg, and Granger will be from back of walk since intersection improvements will be completed as a separate project by the City.
- Trail amenities including thematic fencing, split rail fencing, benches, trash receptacles, informational kiosk, and trail signage
- Landscape and irrigation improvements
- Project excludes trailhead parking lot at College Avenue.
- Provide area at Orangeburg Place for train placement, but no provisions for actual placement are included (exclusions include structural, logistics, rail placement, etc.).

#### D. Phase Three Services

In an effort to guide and control the schedule, scope and improvement costs of the Virginia Corridor Phase Three project, Callander Associates has developed the following scope. Modifications and refinements can be accommodated at the project start and adjusted periodically throughout the process as may be beneficial to the project. Items shown in *boldface italics* represent the deliverables or work documents to be provided at that task.

The following scope and corresponding fees are based on a construction budget of \$3,185,742 as the anticipated lowest responsible bid. This budget includes \$3,065,742, from the October 8, 2003 estimate of probable construction costs by phase, and an estimated \$120,000 for a new pedestrian bridge crossing MID Lateral #4. This budget is established as a condition of this Agreement. It shall be reviewed by the parties and shall include a bidding contingency of ten percent unless another amount is indicated. Callander Associates shall be permitted to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents, and to make reasonable adjustments in the scope of the project to bring it within the fixed limit. Callander Associates may also include in the Contract Documents alternate bids to adjust the construction cost to the fixed limit.

#### Task 1.0 Donation And Marketing Materials

- 1.01 **Initial Meeting:** Review scope, schedule and cost for donation and marketing efforts, design development, and construction documents with City staff. Review City process. Identify available and required City documents, define project goals, update design program, and submit *written summary* of same.
- 1.02 **Document Review:** Obtain and review other information that may be pertinent from Parks, Recreation, and Neighborhoods and Planning Departments. Review existing design guidelines,

documents, or other existing base information provided by City. Evaluate adequacy and/or need for additional information. Prepare *summary memo*.

- 1.03 **Schedule:** Prepare a detailed time *schedule* in bar chart format for the entire project through construction.
- 1.04 **Donation Opportunities Booklet:** Based upon the Virginia Corridor Specific Plan identify those items that the City could accept donations for including but not limited to site furnishings, lighting, plant materials, maintenance, etc. Prepare 8-1/2x11 booklet with a picture or graphic and written description of each item. Description to include product information, description, quantities, and donation dollar amount based upon a given formula to be provided by the City. Submit five copies of the *draft donation opportunities booklet* to City for review.
- 1.05 **Donation Brochure:** Prepare a marketing mailer, to be sent to prospective donors, that would provide basic information about the project, donation opportunities available, and where to obtain more information. Mailer to a maximum one double-sided, 8-1/2x11 sheet folded for mailing. Submit five copies of the *draft donation brochure* to City for review.
- 1.06 **Marketing Poster:** Based upon the Virginia Corridor Specific Plan, proceed to develop a graphic marketing poster delineating major aspects of the corridor through graphic images and descriptive text. The poster will be a maximum 18" x24" in size and will utilize existing and newly developed graphics and text. Submit five copies of the *draft marketing poster* to City for review.
- 1.07 **Staff Meeting:** Review the above information in a single work session with Parks, Recreation, and Neighborhoods staff to refine, change and modify where prudent. Prepare *written summary* of meeting.
- 1.08 **Final Donation and Marketing Materials:** Based upon the comments generated in the above task, proceed to revise and finalize documents. Submit one camera-ready original and electronic file as *final donation opportunities booklet, final donation brochure, and final marketing poster* for use and reproduction by the City.

## Task 2.0 Design Development

- 2.01 **Topographic Survey:** Provide supplemental survey information to the topographic survey provided during the conceptual design phase and prepared by Hawkins & Associates Engineering. Additional topographic information will be provided within project limits, up to the amount indicated for survey in the compensation summary. Information to include contours at one foot intervals, existing tree locations and sizes, surface and subsurface utility information based upon available record information, property lines, and other existing features (excludes potholing). Submit electronic *topographic survey* in Autocad 2002 for City records.
- 2.02 **Utility Evaluation:** Verify existing water, electrical, and storm drain service connections for domestic and irrigation water service, storm drainage, and pedestrian lighting. Indicate same on overlay of topographic survey and designate as *utility connections diagram*.
- 2.03 **Site Reconnaissance:** Conduct site reconnaissance with topographic survey in hand. Evaluate access, grades, utilities, trees, fences, buffers, etc. Photograph site for in-house study and reference, as well as for future presentations. Prepare photo *log* for studio use.
- 2.04 **Base Maps:** Using prepared topographic survey, prepare *twenty scale base maps*, in Autocad 2002 format, within project limits. Six base sheets are anticipated.

- 2.05 **Horticultural Soils Analysis:** Obtain up to six horticultural soils samples to verify agricultural suitability of existing; submit *letter report*.
- 2.06 **Geotechnical Report:** Take up to 50 borings along the length of the project. Majority of borings will only extend to the bottom of the ballast with ten (10) deeper borings along the trail and at the proposed pedestrian bridge (50 foot depth borings) and box culvert. Borings will be reviewed to determine depth of ballast and deeper borings will be tested to determine engineering properties. Specific recommendations will be made in regards to site preparation and fill placement, light pole foundation design, exterior flatwork, deep foundation design, retaining wall design, site drainage, and bike path pavements. Provide *summary report* detailing above including pavement section and structural recommendations for parking lots, trails, and pedestrian walkways.
- 2.07 **MID/Utility Coordination:** Provide up to 36 hours of ongoing coordination with MID, SBC, Comcast, PG&E, Water, and Sewer Company staff during construction document process. Submit plans at each stage for MID review, contact and coordinate with staff, confirm standards, and review design.
- 2.08 **Design Development Submittal - 35% Submittal:** Based on the comments received from the above meetings and the analysis of other items, revise plan as required. Proceed to develop *construction documents* to a 35% level of completion. All drawings shall prepared on AutoCAD Version 2002. Package to include:
- Title Sheet
  - Preliminary Grading Plan (including storm drain points of connection) (1:20)
  - Preliminary Site Construction Plan (1:20)
  - Preliminary Irrigation Plan (including water point of connection) (1:20)
  - Preliminary Planting Plan (1:20)
  - Preliminary Lighting Plan (including electrical point of connection) (1:20)
  - Design development level construction details
- 2.09 **Cost Estimate:** Prepare a preliminary list of quantities and provide a preliminary *construction cost estimate*.
- 2.10 **Draft Specifications:** Prepare draft contract specifications book and bid form, using City of Modesto standard boilerplate and Standard Specifications, as appropriate.
- 2.11 **Design Development Book:** Confirm final selections of pre-manufactured items and design details for major features with City staff. Prepare packet of information to contain catalog cuts and information on site amenities, site furniture, irrigation equipment, electrical equipment, plant materials, and related items. Submit five copies of the *Design Development Book* to City for review and approval.
- 2.12 **Staff Meeting:** Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare *written summary* of meeting.

### Task 3.0 Construction Documents

- 3.01 **Construction Documents - 65% Submittal:** Based on direction from City staff, comments received from the above meetings and the analysis of other items, proceed to develop

*construction documents* to a draft 65% level of completion. Plans shall adhere to City of Modesto Standards and Specifications. Package to include;

- Title Sheet
- Key Map/General Notes
- Demolition Plan
- Grading and Drainage Plan
- Signing and Pavement Marking Plan
- Site Construction Plan
- Irrigation Plans
- Planting Plans
- Construction Details
- Irrigation/Planting Details
- Electrical Plans (footing designs based upon geotechnical report)
- Structural Engineering Plans
- Technical Specifications

- 3.02 **Update Cost Estimate:** Prepare an updated list of quantities and provide an updated *construction cost estimate*.
- 3.03 **Staff Meeting:** Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare *written summary* of meeting.
- 3.04 **Permit or other Agency Reviews:** No services have been provided.
- 3.05 **Construction Documents - 95% Submittal:** After review of the 65% submittal by the City, proceed to develop *construction documents* to a draft 95% level of completion. Submittal to include updated plans, specifications, and estimate of probable construction costs. Submit for City review.
- 3.06 **Storm Water Plan:** Prepare required storm water pollution prevention plan (SWPPP) in order to obtain the necessary General Permit, for the project, from the California State Water Resources Control Board (SWRCB). The plan shall include required information such as existing conditions description and plan, scope of construction, grading plan, inventory of contractor's activities, special site conditions, best management practices (BMPs) for contractor activities, BMPs for erosion and sediment control, post construction BMPs, and monitoring/maintenance plan. Submit 5 copies of SWPPP to City for application and submission to SWRCB.
- 3.07 **Staff Meeting:** Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare *written summary* of meeting.
- 3.08 **Bid Documents:** After review of the 95% submittal by the City, proceed to modify the documents for submission as a *final bidding package*. Provide five (5) sets of full size plans, plus camera-ready originals of plans and specifications for bidding.
- 3.09 **Final Landscape Architect's Estimate:** Prepare an updated *list of quantities* and provide an updated *landscape architect's construction cost estimate*.
- 3.10 **Project Archive:** Submit one *archive CD-ROM* of all electronic data including construction documents, specifications, cost estimate, survey, and other base information provided by the City to be scanned and included in electronic format.

## **4.0 Bidding and Construction Administration**

During the bidding and construction of Virginia Corridor Phase 3, Callander Associates will provide construction administration services to support City Inspectors. Services may include the following.

### **4.01 Pre-Construction Phase**

- a. Attend pre-bid meeting and assist City staff as directed.
- b. Review Engineer's takeoffs of quantities.
- c. Prepare project documentation system.
- d. Attend bid opening.
- e. Prepare agency for pre-construction conference.
- f. Attend pre-construction conference and prepare meeting minutes.
- g. Review coordination and communication procedures.
- h. Review procedures for receiving, logging, and transmitting submittals, RFI's and RFC's.
- i. Document pre-construction conditions using video and digital photographs, as directed by City staff.

### **4.02 Construction Phase**

- a. Verify Contractor has obtained all necessary approvals/permits prior to commencing work.
- b. Conduct weekly progress meetings with all pertinent parties in attendance.
- c. Prepare agendas and minutes to meetings.
- d. Process clarifications of the contract documents in response to requests by the Contractor.
- e. Review those submittals that are appropriate. Submittals requiring review by the Engineer of Record shall be logged and transmitted for formal review. Monitor Contractor's work for adherence to contract plans and specifications.
- f. Provide inspection and documentation of project related activities.
- g. Prepare inspection reports.
- h. Provide digital pictorial logbook of construction activities, if required.
- i. Review Contractor's construction schedule, request updates as appropriate, and track delays or accelerations based on actual Contractor operations.
- j. Develop "punch list" items and follow-up with corrective measures.
- k. Document information related to manpower, equipment and time for extra or force account work.
- l. Assist in preparing Change Orders for City execution.
- m. Review progress payments.
- n. Receive and evaluate all notices of potential claims and make recommendations to Department of Parks, Recreation, and Neighborhoods.

### **4.03 Post-Construction**

- a. Coordinate and schedule final inspection with City staff.
- b. Verify completion of punch-list items.
- c. Process and recommend final payment request.
- d. Review as-builts with Contractor and submit to City.
- e. Process notice of substantial/final completion.
- f. Process warranty/guarantee letter and/or bond if required.
- g. Transmit set of project files to the Department of Parks, Recreation, and Neighborhoods.

Promptly after the construction work associated with a work order is completed, Consultant shall notify Department of Parks, Recreation, and Neighborhoods in writing whether such work should be accepted by City as complete and final in accordance with the terms and conditions of City's contract for that construction work. Consultant's determination shall be given Department

of Parks, Recreation, and Neighborhoods. after diligent investigation including satisfaction of its other obligations under this contract. If Consultant recommends that the work should not be accepted by the City, Consultant shall document the facts and analysis supporting its determination in its written notification to the Department of Parks, Recreation, and Neighborhoods.

## **5.0 Additional Services**

- 5.01 **Additional Services:** All tasks not specifically noted above could be performed as additional services. These tasks would include, but not be limited to, all revisions or additional submittals required by the City or any other agency's review, other meetings, additional design studies, additional MID coordination or negotiating beyond specifically noted time period, or other tasks not specifically noted in the foregoing. These services would be billed hourly or on a lump sum fee basis to be documented in a written amendment to this agreement.

-END-

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-552**

**A RESOLUTION AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR PROPERTY MANAGEMENT OF PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT RENTAL PROPERTIES.**

WHEREAS, the City of Modesto's Parks Recreation and Neighborhoods Department has five rental properties it administers, and

WHEREAS, these properties are: 4205 Gomes Rd, Modesto; 801 N. McClure Rd., Modesto; 660 El Vista Dr., Modesto; 1204 River Rd., Modesto; 1318 W. Hatch Rd., Modesto, and

WHEREAS, City of Modesto staff has identified a special need for professional property management for these properties, and

WHEREAS, City of Modesto staff does not have the depth of expertise that is needed to be successful in professional property management, and

WHEREAS, City of Modesto staff is requesting authority to issue a Request for Proposal to qualified companies to contract with the City in Property Management for certain specified City-owned properties managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the company selected as a result of the RFP process will demonstrate the following management approach: (1) ability to provide management services that focus on long-term results, which add value to the City's property assets; (2) ability to resolve disputes in an expeditious manner while maintaining professionalism and ensuring the best benefit for the City; (3) ability to accurately apply the principles,

practices and legal requirements of real estate, property management and any and all pertinent laws and practices, and (4) ability to accurately apply the principles and practices of negotiations, conflict resolution, principles and practices of management, administration and resource allocation planning,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby authorizes staff to issue a Request for Proposal to search for a qualified company to provide high-quality property management for certain specified City-owned properties, managed by the Parks, Recreation and Neighborhoods Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-553**

**A RESOLUTION ACCEPTING THE REPORT ON XCLAMATION FEST 2004  
AND APPROVING XCLAMATION FEST 2005 HOSTED BY CHRIS RICCI  
PRESENTS, INC. AND JCD CONCEPTS 2000, INC. IN DOWNTOWN  
MODESTO ON SATURDAY JULY 23, 2005.**

WHEREAS, on April 25, 2000, by Resolution No. 2000-189, the City Council approved a license agreement with Chris Ricci Presents, Inc., to hold an annual Xclamation Fest, and

WHEREAS, the Safety & Communities Committee met on September 3, 2003, and supported approval of the Xclamation Fest 2004 for July 17, 2004, and

WHEREAS, on September 23, 2003, by Resolution No. 2003-511, the City Council approved Xclamation Fest 2004 hosted by Chris Ricci Presents, Inc. and JCD Concepts 2000, Inc. in downtown Modesto on Saturday, July 17, 2004, and

WHEREAS, the fifth annual Xclamation Fest was held on Saturday, July 17, 2004, and

WHEREAS, this downtown music and arts festival was successful, both financially and for providing a safe, entertaining festival for Modesto residents, and

WHEREAS, the proposed date for the 2005 annual Xclamation Fest is Saturday, July 23, 2005, and

WHEREAS, Mr. Ricci coordinates all Xclamation Fest events with the Modesto Police Department, the Downtown Improvement District, and the Modesto Centre Plaza staff in order to secure approvals and coordination for the event, and

WHEREAS, this event is of financial benefit to the City of Modesto and downtown merchants, and

WHEREAS, the Economic Development Committee reviewed this item at its September 13, 2004, meeting and supported approval of staff's report of Xclamation Fest 2004 and accepted the recommendation to support Xclamation Fest 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts staff's report on Xclamation Fest 2004 held in Downtown Modesto on Saturday, July 17, 2004.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby approves Xclamation Fest 2005 to be held in Downtown Modesto on Saturday, July 23, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-554**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Acting City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Housing and Urban Development Manager

The job specification for this classification is being created as a result of a reorganization previously approved by Council on July 6, 2004. The job specification for the classification of Housing and Urban Development Manager as shown on the attached **Exhibit "A,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 26, 2004.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## HOUSING AND URBAN DEVELOPMENT MANAGER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Under general direction, the Housing and Urban Development (HUD) Manager is responsible to manage and coordinate the City's HUD entitlement programs including: Community Development Block Grant (CDBG) Administration, Emergency Shelter Grant funds, Public Service Grants, HOME program, housing rehabilitation, capital projects and related direct services.

### SUPERVISION EXERCISED AND RECEIVED

Receives administrative direction from the Deputy Director of Recreation and Neighborhoods.

Exercises direct supervision over professional, technical and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Direct, oversee and participate in the development of the unit's work plan; assign work activities, projects and programs; monitor workflow; implement policies and procedures; recommend goals and objectives.

Participate in the selection of staff; provide and coordinate staff training, work with employees to correct deficiencies; implement disciplinary procedures as necessary.

Develop, prepare and submit all reports to HUD, including the Five Year Consolidated Plan, Impediment to Fair Housing Plan, Annual Action Plan, the Comprehensive Annual Program Evaluation Report, and required amendments.

Provide direction and oversight to the disbursement of HUD funds.

Essential Functions: (Continued)

Manage, direct and organize the unit's housing rehabilitation activities, including preparing policies and alternatives for City Council, overseeing the progress of the rehabilitation "Target Areas" and relating to the Housing Rehabilitation Loan Committee.

Prepare the annual operating and capital HUD funded budget, and coordinate with other senior management staff; direct the forecast of funds needed for division goals; monitor and approve expenditures; implement mid-year adjustments.

Coordinate division activities with those of other departments and outside agencies and organizations; promote public relations; prepare and present staff reports and other necessary correspondence.

Prepare and present information to the public; work with diverse, grass roots neighborhood groups, leaders and residents; investigate complaints and recommend corrective action as necessary to resolve complaints.

Prepare and make presentation to the City Council, various committees, advisory group and neighborhood groups. Prepare policy statements and alternatives for City Council consideration in the areas, but not limited to: affordable housing programs and development, low income job development program, capital improvement projects in low income areas and programs for the homeless.

Serve as a liaison to the HUD-related citizens committees.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and practices of: organization, administration, supervision, training and personnel management.

Principles and practices of general HUD rules and regulations regarding eligible activities and yearly program requirements are strong desired.

Understanding of issues that affect the homeless population (in general) and the challenges for this group of citizens to secure quality housing and job placement on a long-term basis.

Exhibit "A"

Knowledge of: (Continued)

Housing rehabilitation program management including program guidelines and requirements.

Federal, State and local laws policy and best practices pertaining to housing and community development programs in low -income areas.

Record keeping and reporting procedures, including computerized systems.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budgeting procedures and expenditure control, including federal reporting requirements.

Ability to:

Effectively manage assigned areas of the departmental program.

Interpret and apply pertinent laws, rules and regulations.

Ensure program compliance with: Federal, State, local rules, laws and regulations.

Prepare and administer a budget.

Supervise contracts with outside agencies for compliance.

Supervise one-stop facility consisting of multiple agencies.

Supervise, train, coach and evaluate assigned staff.

Prepare and analyze technical and comprehensive administrative reports, statements and correspondence.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Work effectively with diverse, grass roots neighborhood groups, leaders, and residents.

Exhibit "A"

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Fours years of administrative level experience involving: community development program, housing development administration, financing or a related field, including two years of supervisor or lead responsibility.

Administrative experience with grant or entitlement funding is strongly desired.

Training:

Equivalent to a Bachelor's degree from an accredited college with major coursework in business administration, finance, public administration or a related field.

License or Certificate:

Possession of, or the ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time using a personal computer and attending meetings.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-555**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH A SALARY RANGE FOR HOUSING AND URBAN DEVELOPMENT MANAGER AT RANGE 441.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 Effective April 8, 2003, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 26, 2004", which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** establishes the salary range for Housing and Urban Development Manager at Range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 26, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective **October 26, 2004**

RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Administrative Technician (Confidential)
414	
415	Senior Administrative Office Assistant (Confidential) Secretary
416	
417	
418	Legal Secretary Systems Technician I
419	Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary (Represented) Legal Services Technician
421	

Exhibit "A"

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I Systems Technician II
423	Custodian Supervisor
424	Assistant Planner Buyer Police Facilities Coordinator
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager Systems Technician III
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	Accountant II (Represented) Senior Buyer
429	
430	Associate Planner Community Services Supervisor Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Software Analyst I
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist

Exhibit "A"

RANGE      TITLE

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- 432    Communications Specialist  
      Customer Services Supervisor  
      Neighborhood Preservation Supervisor  
      Operations and Maintenance Supervisor  
      Recreation Supervisor II  
      Senior Accountant  
      Water Quality Control Maintenance Supervisor  
      Water Quality Control Operations Supervisor
  
- 433    Organizational Development Specialist
  
- 434    Assistant Civil Engineer  
      Assistant Traffic Engineer  
      Budget Analyst II  
      Events Supervisor II  
      Environmental Laboratory Supervisor  
      Operations Supervisor  
      Regulatory Compliance Supervisor  
      SCADA Supervisor  
      Senior Housing Rehabilitation Specialist  
      Software Analyst II  
      Systems Engineer I
  
- 435    Business Analyst  
      Cultural Services Manager  
      Integrated Waste Specialist  
      Management Analyst  
      Senior Personnel Analyst
  
- 436    Electrical Supervisor  
      Senior Planner
  
- 437

Exhibit "A"

RANGE      TITLE

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438    Budget Officer  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      Software Analyst III  
      Systems Engineer II

439    Administrative Services Officer  
      Community Facilities Districts Administrative Officer

440    Associate Civil Engineer  
      Associate Traffic Engineer  
      Transportation Planner

441    Airport Manager  
      Building Maintenance Superintendent  
      Fire Marshal  
      Fleet Manager  
      **Housing and Urban Development Manager**  
      Parks Operations Superintendent  
      Parks Planning and Development Manager  
      Recreation Superintendent  
      Solid Waste Program Manager  
      Streets Engineer  
      Transit Manager  
      Urban Forestry Superintendent  
      Wastewater Collections Superintendent  
      Water Superintendent

442    Customer Services Division Manager  
      Manager of Budget and Financial Analysis  
      Software Analyst IV  
      Supervising Building Inspector  
      Supervising Construction Inspector  
      Systems Engineer III

443

444    Deputy Chief Building Official  
      Principal Planner

Exhibit "A"

RANGE	TITLE
-------	-------

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445 Accounting Division Manager

446 Water Quality Control Superintendent  
Information Technology Unit Manager

447 Business Development Division Manager  
Chief Building Official  
Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer

448

449

450

451

452

453

455

Exhibit "A"

**MODESTO CITY COUNCIL  
RESOLUTION No. 2004-556**

**A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN SALARY FOR THE CITY ATTORNEY, A THIRTEEN (13%) PERCENT INCREASE IN SALARY FOR THE CITY CLERK/AUDITOR AND ADDITIONAL PAY AND BENEFITS FOR THE ACTING CITY MANAGER**

WHEREAS, by Resolution No. 2003-330 effective June 26, 2003, the City Council approved and established a "City of Modesto Schedule of Salary Ranges in City Service For FY 04-05 Effective June 29, 2004," for Executive Management (Exhibit "P"), and

WHEREAS, salaries for Charter Officers appointed by the Council are subject to periodic review and adjustment, and

WHEREAS, the Council desires to approve a thirteen (13%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective October 26<sup>th</sup>, 2004 which increase is within the range established in Exhibit "P" of Resolution No. 2003-330,

WHEREAS, the Council desires to approve a five (5%) percent increase in salary to MICHAEL MILICH, City Attorney, effective October 26<sup>th</sup>, 2004, which increase is within the range established in Exhibit "P" of Resolution No. 2003-330,

WHEREAS, Council desires to approve a five (5%) percent increase in salary to GEORGE BRITTON, Acting City Manager, in recognition of his acting assignment, effective October 26, 2004, which increase is within the range established in Exhibit "P" of Resolution No. 2003-330,

WHEREAS, Council desires to increase the City's contribution to GEORGE BRITTON'S 401(a) Money Purchase Deferred Compensation plan to four (4%) percent, requiring an equal contribution from the employee, consistent with the other Charter

Officers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increases in salary to JEAN ZAHR, City Clerk/Auditor, MICHAEL MILICH, City Attorney and GEORGE BRITTON, Acting City Manager, effective October 26, 2004, as follows:

Title	Hourly	Bi-Weekly	Monthly
City Clerk/Auditor	44.2197	3,537.58	7,694
City Attorney	70.3101	5,624.81	12,234
Acting City Manager	73.7599	5,900.79	12,834

BE IT FURTHER RESOLVED that the City's contribution to GEORGE BRITTON'S 401(a) Money Purchase Deferred Compensation plan shall be increased to four (4%) percent, requiring an equal contribution from the employee, consistent with the other Charter Officers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: O'Bryant

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 557**

**A RESOLUTION ACCEPTING A THREE-YEAR GRANT IN THE AMOUNT OF  
\$250,000 FROM THE FEDERAL OFFICE OF COMMUNITY ORIENTED  
POLICING SERVICES ENTITLED "COPS IN SCHOOLS" FOR THE HIRE OF  
TWO NEW MODESTO POLICE OFFICERS, AND AUTHORIZING THE  
ACTING CITY MANAGER TO EXECUTE THE NECESSARY GRANT  
DOCUMENTS**

WHEREAS, the Modesto Police Department made application to the Federal Office of Community Oriented Policing Services under the COPS in Schools Program for the hire of two new police officers, for La Loma Junior High School and Franklin Elementary School in the Modesto City School District, and

WHEREAS, the grant was approved by the Federal Office of Community Oriented Policing Services in the amount of \$250,000, and

WHEREAS, approval of this grant program will assist in attaining the Health and Safety Plan Strategic Action to "Obtain Public Service Grants,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a three-year grant in the amount of \$250,000 for the COPS in Schools Program grant from the Federal Office of Community Oriented Policing Services for the hire of two new Modesto Police Officers.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-558**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004/2005 ANNUAL  
BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR THE  
COPS IN SCHOOLS FEDERAL GRANT**

WHEREAS, the Modesto Police Department made application to the Federal Office of Community Oriented Policing Services under the COPS in Schools Program for the hire of two new police officers, for La Loma Junior High School and Franklin Elementary School in the Modesto City School District, and

WHEREAS, the grant was approved by the Federal Office of Community Oriented Policing Services in the amount of \$250,000,

WHEREAS, the Modesto City School District will provide the local match of \$185,390 over the three years of the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/2005 Annual Budget is hereby amended as indicated below:

<u>To Expense:</u>	\$ 72,947	COPS in Schools Salaries	0410-190-2993-0110
	\$ 30,637	COPS in Schools Benefits	0410-190-2993-0188
Total:	\$103,584		
<u>To Revenue:</u>	\$ 62,500	Federal Grant	0410-190-2993-3508
	\$ 41,084	School – PD Reimbursement	0410-190-2993-3127
Total:	\$103,584		

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 – 559**

**A RESOLUTION APPROVING THE SUBMITTAL OF THE MODESTO CITY-COUNTY AIRPORT'S REVISED AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) TO THE FEDERAL AVIATION ADMINISTRATION (FAA).**

WHEREAS, Modesto City-County Airport is a commercial service airport and is eligible for federal Airport Improvement Program entitlement and discretionary funds, and

WHEREAS, the United States Congress is expected to allocate for this fiscal year \$3.7 billion dollars to airports for their airport improvements, and

WHEREAS, the FAA prioritizes airport funding needs through the Airport Capital Improvement Plans submitted by the nation's airports, and

WHEREAS, the FAA has notified the City of Modesto that they are requesting the Modesto City-County Airport's revised ACIP be submitted to the FAA by October 31, 2004, and

WHEREAS, the Airport Advisory Committee reviewed the revised ACIP at their September 15, 2004 meeting and supported recommending that the City Council approve the revised ACIP to the FAA, and

WHEREAS, the Economic Development Committee reviewed the revised ACIP at their October 11, 2004 meeting and supported recommending that the City Council approve the revised ACIP to the FAA,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a revised ACIP listing of recommended projects with their estimated costs to the FAA.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-560**

**A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO ROSS G. STEPHENSON ASSOCIATES, INC., FOR \$92,385 TO COMPLETE DESIGN & SURVEY SERVICES FOR THE ROSELLE & FLOYD INTERSECTION WIDENING PROJECT, AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR TO EXECUTE THE AGREEMENT**

WHEREAS, the Village One Facilities Master Plan contains a prioritization list for construction projects to be funded by the Village One Community Facilities District, and

WHEREAS, the Roselle & Floyd Intersection Widening project identified on the prioritization list as a Priority 1 project, and

WHEREAS, the City Administrative Directive 3.1 was followed to select a professional engineering design consultant, and

WHEREAS, following a Request for Qualifications for engineering design services, which was sent to all local engineering firms, six statements of qualifications were received for the Roselle & Floyd Intersection Widening project, and

WHEREAS, the City's Selection Committee decided all six firms were qualified to provide engineering design services, and

WHEREAS, Ross G. Stephenson Associates, Inc., was deemed most qualified and selected for engineering design services, and

WHEREAS, the Public Works Director and the District Administrator has recommended accepting the proposed contract with Ross G. Stephenson Associates, Inc., to complete the Design & Survey Services for the Roselle & Floyd Intersection Widening in an amount not to exceed \$92,385,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Ross G. Stephenson Associates, Inc., to complete the Design & Survey Services for the Roselle & Floyd Intersection Widening in an amount not to exceed \$92,385,

BE IT FURTHER RESOLVED that the Community Facilities District Administrator, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-561**

**A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE LOCAL TRANSPORTATION FUND (LTF) CLAIM FOR FISCAL YEAR 2004-2005 (\$2,537,827), THE FISCAL YEAR 2003-2004 SUPPLEMENTAL (\$657,729), AND THE FISCAL YEAR 2003-2004 LTF CARRYOVER CLAIMS (\$2,846,623), FOR NON-TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)**

WHEREAS, on February 11, 2003, StanCOG pursuant to California State Public Utility Codes (PUC) Section 99401.6 determined that there are no reasonable needs to meet, and

WHEREAS, on June 1, 2004, by Resolution No. 2004-289, the City Council approved the fiscal year 2004-2005 annual claim for Local Transportation Funds (LTF) for transit purposes only, and

WHEREAS, StanCOG informed the Finance Department it will allocate both the Annual and Supplemental LTF for use on local streets and roads pursuant to PUC Sections 99400 and 99233.11, and

WHEREAS, StanCOG informed the Finance Department it has allocated both the Annual and Supplemental LTF for pedestrian and bicycle facility uses pursuant to PUC Sections 99233.3 and 99234, and

WHEREAS, StanCOG informed the Finance Department the City of Modesto may claim \$2,401,699 of Annual fiscal year 2004-2005 LTF for street purposes, and \$136,158 for pedestrian and bicycle projects, and

WHEREAS, StanCOG informed the Finance Department the City of Modesto may claim \$623,048 of Supplemental LTF for street purposes, \$12,181 for pedestrian and bicycle projects, and \$22,500 for Transit Related operations.

WHEREAS, Council action authorizing the above claim is required by StanCOG pursuant to PUC Section 99261 before LTF can be released to the City of Modesto, and

WHEREAS, City of Modesto had a \$2,846,623 carryover of fiscal year 2003-2004 LTF funded Operations and Capital Improvement Project budget projects to fiscal year 2004-2005, and

WHEREAS, Council action authorizing the carryover claim is required by StanCOG pursuant to PUC Section 99261 before LTF can be budgeted by the City of Modesto for multi-year and fiscal year 2004-2005 Operations and Capital Improvement Projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the execution and submission of the claim for apportionment of the fiscal year 2004-2005 Annual (\$2,537,827) and fiscal year 2003-2004 Supplemental LTF (\$657,729) to StanCOG to obtain non-transit funds in the amount of \$3,195,556.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby approves and authorizes the execution and submission of the claim for apportionment of \$2,846,623 of carryover funds from fiscal year 2003-2004 to the fiscal year 2004-2005 Operations and Capital Improvement Budgets.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-562**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN THE COVINGTON  
POINTE SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN  
AREA, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF  
COMPLETION AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, MODESTO TULLY INVESTORS, L.P., A CALIFORNIA LIMITED PARTNERSHIP, BY MODESTO TULLY VENTURES, LLC, A CALIFORNIA LIMITED PARTNERSHIP COMPANY, is the subdivider of the COVINGTON POINTE SUDIVISION (“SUBDIVISION”), in the Pelandale-Snyder Specific Plan Area, and

WHEREAS, MODESTO TULLY INVESTORS, L.P., a California Limited Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of \$1,011,917.00 and \$505,958.50, respectively, and

WHEREAS, MODESTO TULLY INVESTORS, L.P., a California Limited Partnership, has filed a warranty bond in the amount of \$101,191.70 to guarantee improvements in the Covington Pointe Subdivision, and

WHEREAS, the City Engineer, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in the Covington Pointe Subdivision are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$1,011,917.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$505,958.50 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$101,191.70 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-563**

**A RESOLUTION APPROVING A LEASE AGREEMENT WITH SEARS ROEBUCK AND CO. TO LEASE FIFTY (50) PARK AND RIDE PARKING SPACES AT ORCHARD SUPPLY HARDWARE (OSH) LOCATED ON SISK ROAD AT A COST OF \$750 PER QUARTER COMMENCING RETROACTIVE TO JULY 1, 2003, AND EXPIRING SEPTEMBER 30, 2005, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City of Modesto's Modesto Area Express (MAX) transit system operates an express commuter bus service between Modesto and the Dublin/Pleasanton BART station, and

WHEREAS, customers of that service need a place where they can park and then board the bus, and

WHEREAS, passengers of that service used the Vintage Faire Mall Park and Ride Lot, and

WHEREAS, in January 2003 Vintage Faire Mall informed staff that they planned to close its Park and Ride lot later that year, and

WHEREAS, the City began using the parking lot at Orchard Supply Hardware (OSH) on Sisk Road beginning July 1, 2003 on an informal basis due to the impending closure of the Vintage Fair Mall Park and Ride Lot, and

WHEREAS, Sears, Roebuck and Co., owners of OSH, are willing to lease fifty (50) spaces in the OSH Sisk Road parking lot at a cost of \$750 per quarter commencing retroactive to July 1, 2003 and expiring on September 30, 2005, and

WHEREAS, the Public Works Department staff recommended to the Economic Development Committee (EDC) approval of a lease agreement with Sears, Roebuck and Co. for the lease of fifty (50) spaces at the OSH Sisk Road parking lot, and

WHEREAS, the EDC met on October 11, 2004 and supported the recommendation of City staff and requested that the City Council be given the opportunity to raise fares on the BART Commuter Express bus to offset the cost of the lease, and

WHEREAS, by an agenda report to the City Council dated October 7, 2004, from the Public Works Director, City staff recommended to the Council that it approve the agreement with Sears, Roebuck and Co.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreement with Sears, Roebuck and Co. for the lease of 50 parking spaces for park and ride purposes at a cost of \$750 per quarter year, commencing July 1, 2003 and expiring September 30, 2005.

BE IT FURTHER RESOLVED that the Acting City Manager is authorized to execute the lease agreement.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating,  
Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-564**

**A RESOLUTION ALLOCATING \$1,030,791 FROM FISCAL YEAR 2004-2005 HOME FUNDS TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE DEVELOPMENT OF THE VILLAGE ONE MULTI-FAMILY HOUSING PROJECT, AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS, AND DIRECTING STAFF TO SEND A LETTER TO THE THREE ACTIVE AND APPROVED COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs) INVITING THEM TO SUBMIT A LETTER OF INTENT FOR THE CHDO SET ASIDE AND CHDO OPERATING FUNDS.**

WHEREAS, the City of Modesto receives annual entitlements from the Department of Housing and Urban Development (HUD) based on the population size, number of households living below poverty level and number of sub-standard housing units; a percentage of the HOME Investment Partnership Program (HOME) entitlement plus estimated program income may be allocated for the purposes of providing assistance consistent with the functions of HOME funding, CHDO funds can be allocated only to non-profit organizations that have been approved by the City of Modesto as CHDOs, and are active in Modesto and operating in compliance with the HOME regulations, and

WHEREAS, in fiscal year 2004-2005, HUD allocated \$1,375,817 in HOME entitlement funds to the City of Modesto; staff estimates program income to be \$100,000; which brings the HOME funds up to \$1,485,817, and

WHEREAS, in the past, the City of Modesto has released a Request For Proposal (RFP) to find projects that will provide affordable housing to very-low and low-income families or individuals; the RFP includes the direct loans funds as well as the CHDO set aside and CHDO operating funds; in the last few years we have received two responses to the RFP, and one response to the CHDO operating funds, and

WHEREAS, in fiscal year 2002-2003, the City of Modesto allocated \$245,000 to the Housing Authority for the pre-development of the Village One project; several

neighborhood meetings have been held; a design committee was created, with residents from Village One and staff from the Housing Authority; the City and the residents have invested a substantial amount of time in this project; all the above actions have assisted the Housing Authority to accomplish the pre-development phase with neighborhood participation, and

WHEREAS, recently, the Housing Authority submitted a letter stating that the Village One project will cost \$11.6 million; the Housing Authority has been able to secure some layers of funding but the current funding gap for this project is approximately \$4 million, and

WHEREAS, staff is recommending allocating additional \$1,030,791 from the HOME Investment Partnership Program funds to the Housing Authority for the development of this multi-family housing project to lower the \$4 million gap; without additional funding, the Housing Authority will not be able to begin construction, and

WHEREAS, the City has already pledged \$933,600, 80% of the FY 2002-2003 HOME funds, for the construction of this project; the Housing Authority is ready to prepare the site for construction; the neighborhood has accepted this project and is looking forward to its completion, and

WHEREAS, this project will add 60 affordable rental units to the City's housing stock. This apartment complex will provide decent safe and sanitary housing to low-income families; in addition, since the City has three active CHDOs and there is CHDO funding available, staff is recommending sending a letter to these organizations and inviting them to send a letter of intent if they are interested in applying for these funds; staff will set up a meeting with the review committee members to review the letters of intent and to make further recommendations for the allocations of the CHDO funds, and

WHEREAS, the Community Development Committee (CH&CDC) met on September 24, 2004, and accepted staff's recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate an additional \$1,030,791 from the HOME Investment Partnership Program funds to the Housing Authority of the County of Stanislaus for the development of the Village One Project.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement.

BE IT FURTHER RESOLVED that staff is hereby directed to send a letter to the three active and approved Community Housing Development Organizations (CHDOs) inviting them to submit a letter of intent for the CHDO set aside and CHDO operating funds.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

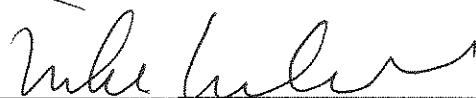
ABSENT: Councilmembers: None

Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:



MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-565**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-05 OPERATING BUDGET TO TRANSFER \$1,030,791 FROM 1170-320-3259-3512, HOME CARRYOVER, TO 1170-320-3259-0497, DIRECT LOANS.**

WHEREAS, the City of Modesto receives annual entitlements from the Department of Housing and Urban Development (HUD) based on the population size, number of households living below poverty level and number of sub-standard housing units; a percentage of the HOME Investment Partnership Program (HOME) entitlement plus estimated program income may be allocated for the purposes of providing assistance consistent with the functions of HOME funding, and

WHEREAS, staff is recommending allocating \$1,030,791 from the HOME Investment Partnership Program funds to the Housing Authority for the development of a multi-family housing project in Village One, and

WHEREAS, funding is available from the HOME Fund Carryover, and

WHEREAS, in order to make these funds available to the Housing Authority, they need to be transferred into an operating account, and

WHEREAS, the Community Development Committee (CH&CDC) met on September 24, 2004, and accepted staff's recommendations to allocate \$1,030,791 to the Housing Authority,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 04-05 operating budget to transfer \$1,030,791 from 1170-320-3259-3512, HOME Carryover, to 1170-320-3259-0497, Direct Loans to fully fund the proposed FY 04-05 HOME Fund allocations.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

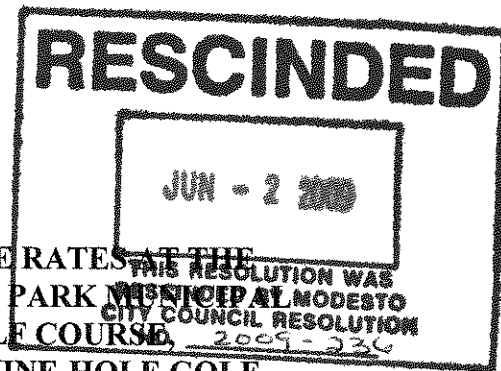
ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-566



A RESOLUTION ESTABLISHING FIRST TEE GREEN FEE RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, RESTATING GREEN FEE RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, RESTATING RATES FOR ANNUAL PASSES, RESTATING RATES FOR SCHOOL GOLF TEAM ROUNDS AND RESTATING TOURNAMENT FEES, ENCOURAGING NEIGHBORING GOLF COURSES TO SUPPORT THE FIRST TEE PROGRAM AND RESCINDING RESOLUTION NO 2004-283.

WHEREAS, on May 25, 2004, the City Council adopted Resolution No. 2004-283 which increased green fees at Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Golf Course, and

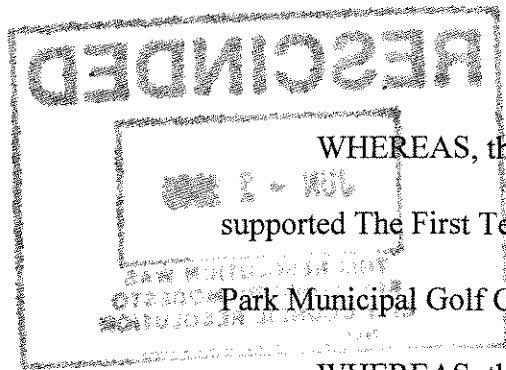
WHEREAS, Resolution No. 2004-283 also established new rates for annual passes, high school rounds and tournament play and introduced a 6-hole rate at Municipal Golf Course, and

WHEREAS, Resolution No. 2004-283 also dedicated \$1.00 per 18-hole round at the end of each fiscal year to the golf fund reserve for capital improvements, and

WHEREAS, the City entered into an agreement on June 10, 2003 with the Del Rio CC Foundation to administer The First Tee Program at Municipal Golf Course, and

WHEREAS, City staff is recommending that green fee rates be established for members of The First Tee at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course, and

WHEREAS, City staff is also recommending that neighboring golf courses be encouraged to support members of The First Tee program, and



WHEREAS, the Golf Courses Committee met on September 15, 2004 and supported The First Tee green fee rates at Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Golf Course, and

WHEREAS, the Finance Committee met on September 27, 2004 and supported establishing First Tee green fee rates at all City Municipal courses and the encouragement of neighboring golf courses to supported the Golf Course, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated October 6, 2004, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on October 26, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended golf fees, and

WHEREAS, the Council of the City of Modesto finds that First Tee green fees for play need to be established at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course, and

WHEREAS, the Council of the City of Modesto encourages neighboring golf course to support members of The First Tee Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of \$5.00 per round shall be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu- Play Cards. Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal Nine-Hole Golf Courses. Rates for play are \$6.00 weekdays and \$7.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round at half price. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting

professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after November 1, 2004.

SECTION 10. REPEALS. Resolution No. 2004-283 is hereby rescinded effective October 31, 2004.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO GOLF COURSES  
GREEN FEE SCHEDULE  
EFFECTIVE OCTOBER 27, 2004

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 14.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 12.50
Weekdays, 18-holes	\$ 20.50
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 17.00
Weekdays, 18-holes (juniors, after noon)	\$ 13.00
Weekdays Mid-day, 18-holes	\$ 16.50
Weekdays Super-Twilight, 18-holes	\$ 10.50
Weekdays afternoon League Play	\$ 15.00
Weekends/Holidays, 9-holes	\$ 16.50
Weekends/Holidays, 18-holes	\$ 26.50
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 15.50
Weekends/Holidays Mid-day, 18-holes	\$ 19.50
Weekends/Holidays Super-Twilight, 18-holes	\$ 13.50
First Tee Member, 9-holes	\$ 5.00
First Tee Member, 18-holes	\$ 10.00
6-play Valu-Play booklet	\$ 105.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 90.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 16.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 13.50
Weekdays, 18-holes	\$ 22.50
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 18.50
Weekdays, 18-holes (juniors, after noon)	\$ 14.00
Weekdays Mid-day, 18-holes	\$ 17.50
Weekdays Super-Twilight, 18-holes	\$ 11.50
Weekdays afternoon League Play	\$ 16.00
Weekends/Holidays, 9-holes	\$ 18.50
Weekends/Holidays, 18-holes	\$ 29.50
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 17.50
Weekends/Holidays Mid-day, 18-holes	\$ 21.50
Weekends/Holidays Super-Twilight, 18-holes	\$ 15.50
First Tee Member, 9-holes	\$ 5.00
First Tee Member, 18-holes	\$ 10.00
6-play Valu-Play booklet	\$ 105.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 90.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	\$ 13.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 11.00
Weekdays, 9-holes (juniors, after noon)	\$ 8.50
Weekdays Mid-day, 9-holes	\$ 11.00
Weekdays Super-Twilight, 9-holes	\$ 9.00
Weekdays afternoon League Play	\$ 10.00
Weekends/Holidays, 9-holes	\$ 15.00
Weekends/Holidays, 9-holes (juniors, after noon)	\$ 9.50
Weekends/Holidays Mid-day, 9-holes	\$ 12.00
Weekends/Holidays Super-Twilight, 9-holes	\$ 10.00
First Tee Member, 9-holes	\$ 5.00
6-play Valu-Play booklet	\$ 52.50
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 45.00
Weekdays, 9-holes, Family Tees	\$6.00
Weekends, 9-holes, Family Tees	\$7.00
Weekdays, 6-holes	\$6.00
Weekends, 6-holes	\$7.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership	\$150.00
*Annual Club Membership, Every Day	\$980.00
*Annual Club Membership, Every Day, Jr./Sr.	\$860.00
*Annual Club Membership, Every Day, Family	\$1,460.00
*Annual Club Membership, Every Day, Family, Jr./Sr.	\$1,280.00
*Annual Club Membership, Week Day	\$800.00
*Annual Club Membership, Week Day, Jr./Sr.	\$670.00
*Annual Club Membership, Week Day, Family	\$1,190.00
*Annual Club Membership, Week Day, Family, Jr./Sr.	\$1,010.00

\*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.

TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE OCTOBER 27, 2004

	Regular Tee <u>Time Style</u>	FEE PER PLAYER	
		Full Shotgun Tee Time Style <u>Excluding cart</u>	Modified Shotgun Tee Time Style <u>Excluding cart</u>
<u>CREEKSIDE</u>			
Weekday	\$32.50	\$40.50	\$40.50
Weekends	\$39.50	\$48.50	N/A
<u>DRYDEN</u>			
Weekday	\$30.50	\$38.50	\$38.50
Weekends	\$36.50	\$45.50	N/A
<u>MUNI</u>			
Weekday	\$23.00	\$25.00	N/A
Weekend	\$25.00	\$27.00	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$22.50 weekdays/\$29.50 weekends at Creekside, \$20.50 weekdays/\$26.50 weekends at Dryden and \$13.00 weekdays/\$15.00 weekends at Muni); and Pro Shop merchandise credit (\$5.00 at Creekside/Dryden/Muni); and golf course restaurant credit (\$5.00 at Creekside/Dryden/Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$26.50 weekdays/\$34.50 weekends at Creekside, \$24.50 weekdays/\$31.50 weekends at Dryden and \$15.00 weekdays/\$17.00 weekends at Muni); Pro Shop merchandise credit (\$7.00 at Creekside/Dryden and \$5.00 at Muni); and golf course restaurant credit (\$7.00 at Creekside/Dryden and \$5.00 at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees (\$26.50 weekdays at Creekside; \$24.50 weekdays at Dryden); Pro Shop merchandise credit (\$7.00 at Creekside/Dryden); and golf course restaurant credit (\$7.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.

PLAY DAY POLICY  
FOR PLAY AT THE CITY'S  
MUNICIPAL GOLF COURSES  
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-567**

**A RESOLUTION APPROVING THE FEDERAL 2004 LOCAL LAW  
ENFORCEMENT BLOCK GRANT WITH THE U.S. DEPARTMENT OF  
JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE PROCUREMENT  
OF EQUIPMENT AND TECHNOLOGY AND AUTHORIZING THE ACTING  
CITY MANAGER TO EXECUTE SAID GRANT**

WHEREAS, the City of Modesto Police Department made application to the U. S. Department of Justice, Bureau of Justice Assistance for the 2004 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department submitted an application for various unmet equipment and technology needs, as attached, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan action, H.1.B.8. which calls for obtaining public service grants, and

WHEREAS, the total grant project is \$81,277 of which the federal share is \$73,149 and the local match is \$8,128 and that match is available from the Asset Forfeiture Trust Account, and

WHEREAS, the grant will make possible the purchase of specialized computer equipment, an access system, a scanner, digital recorders, and ear pieces for portable radios to free sworn officers' hands,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Federal 2004 Local Law Enforcement Block Grant contract for the purchase of police equipment and technology, as attached.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to execute said grant contract.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**2004 Local Law Enforcement Block Grant  
Planned Equipment and Technology Acquisitions**

Federal Funds:	\$73,149
Local Match:	8,128
Total Funds:	\$81,277

<u>Item:</u>	<u>Cost:</u>
Smart Board Project 2 Computers with Smart Board Software 2 Projectors For Chief's Office Conference Room and Police Officer Briefing Facility	\$10,000
Property and Evidence Unit Access System A system for electronic tracking of personnel into Property and Evidence facility (egress and ingress)	10,000
ID Card Machine For reprogramming of proximity cards for all police facilities	6,000
Scanner for Property and Evidence Unit For written document scanning in the ID Unit	3,000
32 Digital Recorders For all Police Sergeants to record and then download recordings into personal computers for manipulation, transcription	5,000
16 Flat Screen Monitors For all Police Lieutenants because of desk space limitations	11,000
125 Ear Pieces for Portable Radios For greater safety by freeing hands	12,277
10 Tazers and Supplies Non-lethal use of force option	14,000
32 Personal Data Assistants for all Police Sergeants	10,000
Total	\$81,277

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-568**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004/2005 ANNUAL  
BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR THE  
2004 LOCAL LAW ENFORCEMENT BLOCK GRANT**

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2004 Local law Enforcement Block Grant Program in the sum of \$73,149, and

WHEREAS, the City's match for the Federal grant program is \$8,128 and will be made from the Asset Forfeiture Trust Account,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/2005 Annual Budget is hereby amended as indicated below:

To:	<u>Expense:</u> 0400-190-2999-5917	2004 LLEBG	\$81,277
From:	<u>Revenue:</u> 0400-190-2999-3506 860 Balance Sheet (to 0400-190-2999-7202) Account \$8,128	2004 LLEBG Asset Forfeiture Trust	\$73,149

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 569**

**A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF  
SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY  
FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO  
THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE  
ANNEXED TO THE DISTRICT (ANNEXATION NO. 4)**

WHEREAS, this Council did, on September 14, 2004, adopt its Resolution No. 2004-458 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon;

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk;

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 4 of Community Facilities District No. 2004-1 ("Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on September 15, 2004, in the Office of the County Recorder of the County of Stanislaus, in Book 3 of Maps of Assessment and Community Facilities Districts, at page 99;

WHEREAS, at the time and date set for the hearing (October 26, 2004) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes

within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex;

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon;

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex;

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory;

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be

applicable to such election. The ballot measure shall be substantially in the form attached hereto as Exhibit A.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the owners of land in the Annexed Territory (collectively, the "Landowners"), the election shall be held on the 26<sup>th</sup> day of October 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowners.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the landowners.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter, order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

SAMPLE

OFFICIAL BALLOT

BALLOT NO. \_\_\_\_

CITY OF MODESTO  
COMMUNITIES FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)

ANNEXATION NO. 4

SPECIAL TAX ELECTION

October 26, 2004

\_\_\_\_% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT  
NUMBER OF VOTES ENTITLED TO BE CAST \_\_\_\_  
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED TO VOTE OF VOTERS

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-458, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 4)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on September 14, 2004, for the purposes set forth in the Resolution of Formation?

YES

NO

BALLOT NO. \_\_\_\_

\_\_\_\_% of land in territory proposed to be annexed to District  
THIS BALLOT HAS A VALUE OF \_\_\_\_ VOTES

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 570**

**A RESOLUTION CANVASSING THE RESULTS OF THE OCTOBER 26, 2004, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), AND ORDERING ANNEXATION OF THE TERRITORY TO THE DISTRICT (ANNEXATION NO. 4)**

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2004-458, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 4)" adopted on September 14, 2004, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act");

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2004-569, adopted on October 26, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for October 26, 2004, relative to the foregoing;

WHEREAS, on October 26, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2004-458 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of

Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CERTIFICATE OF CITY CLERK**

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-569, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 4) adopted on October 26, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on October 26, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2004-458, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 4)” (the “Resolution of Intention to Annex”) adopted by they City Council of the City of Modesto on September 14, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST:      YES \_\_\_      NO \_\_\_

\_\_\_\_\_  
Jean Zahr  
City Clerk of the City of Modesto

Dated: \_\_\_\_\_, 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-571**

**A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 96-164 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(346), AS AN ADDITION TO PLANNED DEVELOPMENT P-D(346). (TERRY MUNDY)" (TERRY MUNDY)**

WHEREAS, Planned Development Zone, P-D(346), was established in 1983 for the English Oaks Convalescent Hospital on the north side of W. Rumble Road, east of Hahn Drive, and

WHEREAS, the Modesto City Council, by Ordinance No. 2982-C.S., which became effective May 16, 1996, approved an amendment to P-D(346) to add an additional one-and three-fourth acre property located at 2630 W. Rumble Road across from the main facility to P-D(346), which property would house offices, storage, pharmacy, and classrooms along with considerable off-street parking, and

WHEREAS, City Council Resolution No. 96-164 adopted by City Council on April 9, 1996, approved the revised development plan to accommodate the additional acreage, and

WHEREAS, an application for an amendment to P-D(346) was filed by Terry L. Mundy on June 28, 2004, to add a 14,811-square-foot two-story office building, a 4,200-square-foot second-story storage building addition, and additional off-street parking, including a carport covering 20 new parking spaces on the southern portion of the P-D Zone, and

WHEREAS, after a public hearing held on September 20, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-56, that the

amendment to P-D(346) as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed amendment to P-D(346) is consistent with the Modesto Urban Area General Plan, because the use is consistent with the MU, Mixed Use General Plan designation for the site.
2. The Conditions of Approval along with the revised plans will ensure that the proposed office/storage/parking additions will be compatible with other uses in the area.

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 26, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Terry L. Mundy for an amendment to P-D(346) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-56 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3358-C.S. on the 26<sup>th</sup> day of October, 2004, amending Section 2 of Ordinance No. 2982-C.S. to add business/professional offices as allowed in the P-O Zone and indoor storage as approved uses in P-D(346).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 96-164 entitled "A Resolution Approving a Development Plan for Planned Development Zone,

P-D(346), as an Addition to Planned Development, P-D(346) (Terry Mundy)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The amended development plan for Planned Development Zone, P-D(346), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Site Plan C.R. Lifestyle" as amended in red, stamped approved by the City Council on October 26, 2004.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhood Director or designee. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. All signs shall comply with the sign requirements of the P-O Zone.
5. All conditions of City Council Resolution Nos. 96-164, 87-36, and 83-830 not in conflict with this action shall remain in full force and effect.
6. The property owner and developer shall, at their sole expense, defend, indemnify, and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in defense."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone P-D(346):

That the entire construction be accomplished in one phase, construction to begin on or before October 26, 2006, and be completed by not later than October 26, 2007."

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until Ordinance No. 3358-C.S. amending Ordinance No. 2982-C.S becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-572**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING THE SOUTH PORTION OF PLANNED DEVELOPMENT ZONE P-D (346), PROPERTY LOCATED AT 2630 W. RUMBLE ROAD (TERRY L. MUNDY)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Terry L. Mundy has proposed an amendment to the south portion of Planned Development Zone, P-D(346) for office and storage building additions and additional off-street parking at 2630 West Rumble Road on the south side of West Rumble Road, east of Hahn Drive, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent project for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2004-51

(“Initial Study”) reviewed the proposed amendment to P-D(346) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“Master EIR”), and made the determination that the proposed

project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no or new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines, beginning on October 9, 2004, the City caused to be published a 10-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 26, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to P-D(346), a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Modesto Urban Area General Plan Master EIR (MEIR).
2. All applicable policies, regulation, and mitigation measures identified in the MEIR have been applied to the project or otherwise made Conditions of Approval of the project.
3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
4. Based on the Initial Study, the City of Modesto finds and determines:
  - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.

- b. No new or additional mitigation measures or alternatives are required.
- 5. The Initial Study, Environmental Assessment No. EA/C&ED 2004-51, provides the substantial evidence to support finding numbers 1-4 , noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED No. 2004-51

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. 2004-51**

**For the proposed:**

**Amendment to P-D(346) to Add  
Office/Storage/Parking Facilities**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**September 1, 2004**

# City of Modesto

## Master EIR Initial Study Checklist

### I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the proposed Amendment to P-D(346) is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

### II. PROJECT DESCRIPTION

A. Title: Amendment to P-D(346) for addition of office/storage/parking.

B. Address or Location: 2630 W. Rumble Road  
Modesto, CA 95350

C. Applicant: Terry Mundy  
P.O. Box 5336  
Modesto, CA 95352

D. City Contact Person:


Project Manager: Bob Cannell  
Department: Community & Economic Development  
Phone Number: (209) 577-5274  
E-mail address: bcannell@modestogov.com

- E. Current General Plan Designation: MU, for Mixed Used Development
- F. Current Zoning Classification(s): P-D(346) for the Office, storage and parking facilities
- G. Surrounding Land Uses: North: Convalescent Care Facility  
 South: Office / Residential  
 East: Commercial  
 West: Multi-Family Residential
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):
- The applicant seeks approval of amendment to the south portion of P-D(346) to allow addition of a 14,811-square-foot office building, a second-story addition to a storage building and additional off-street parking.
- I. Other Public Agencies Whose Approval is Required: None

### III. FINDINGS / DETERMINATION

The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
- D. Based on the Initial Study, the City of Modesto finds and determines:
- a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b) No new or additional mitigation measures or alternatives are required.
- E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

  
 \_\_\_\_\_  
 Project Manager

Senior Planner  
 Title

September 1, 2004  
 Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures contained within the Master EIR. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

#### 5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any negative response must be discussed.

- |  | YES | NO                       |
|--|-----|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project. | X   | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project.       | X   | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.                               | X   | <input type="checkbox"/> |

- (4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available. X
- (5) Policies that require site-specific mitigation remain in place, in addition to avoidance or other mitigation of impacts as a prerequisite to future development. X

**IV. ENVIRONMENTAL ANALYSIS**

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 buildout of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

**1. TRAFFIC AND CIRCULATION**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| (1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Where a project exceeds an additional 100 ADT contribution, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) Result in inadequate emergency access.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) Result in inadequate parking capacity.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The proposed project would generate less than 100 ADT, and would have no impact relative to transportation system design, incompatible uses, and emergency access, nor would it result in inadequate parking capacity.

**2. AIR QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.	<input type="checkbox"/>	X
(1) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.	<input type="checkbox"/>	X
(2) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(4) The project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	X

- (5) The project would create objectionable odors affecting a substantial number of people.  X

Discussion:

The proposed project would not result in long-term air quality-related impacts, as it is simply an expansion of an existing land-use pattern. However, in order to minimize any short-term air quality-related impacts associated with construction, the appropriate mitigation measures will be applied from the MEIR.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to exceed the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. New measures are listed in Section V: Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	X
(2)	The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(3)	The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	X

- (4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.  X

Discussion:

The proposed project will not result in any substantial increase in noise levels that exist without the project. Any noise generated by virtue of expansion self-insulating by the building mass separating the subject business from residential properties to the south and west. The appropriate mitigation measures will be applied from the MEIR.

**4. AGRICULTURAL LANDS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Pertinent to the Project**

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project will directly result in the development of land outside the March 2003 planning area boundaries. | <input type="checkbox"/> | X  |

- (3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.  X
- (4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.  X

Discussion:

The proposed project is in an urbanized area, and will have no effect on agricultural lands of any kind.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO
- (2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.  YES  NO

Discussion:

Water supplies are available to serve the existing and expanding office and storage facility.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project will result in a determination by the wastewater treatment provider who serves or may serve the project that there is not adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. | <input type="checkbox"/> | X  |

#### Discussion:

The City of Modesto wastewater infrastructure has adequate capacity to serve the existing project.

## 7. SENSITIVE WILDLIFE AND PLANT HABITAT

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species. | <input type="checkbox"/> | X  |
| (3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.  | <input type="checkbox"/> | X  |

#### Discussion:

The proposed project would not have any impact on wildlife nor plant habitat.

## 8. ARCHAEOLOGICAL OR HISTORICAL SITES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

## b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

## c. Project-Specific Effects

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Discussion:

The proposed building and parking additions would have absolutely no impact whatsoever on archaeological / historical sites.

## 9. STORM DRAINAGE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the

fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.	<input type="checkbox"/>	X
(3)	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

The proposed building and parking addition would not at all affect or substantially increase the rate nor amount of surface runoff. Furthermore, the storm water drainage system will accommodate all on-site runoff.

**10. FLOODING AND WATER QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore

would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	X
(3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	X
(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

The proposed project is subject to all City of Modesto storm water quality control requirements.

**11. PARKS AND OPEN SPACE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

## 12. SCHOOLS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. ). As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures, which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

#### Discussion:

The proposed building and parking addition would have no impact to schools.

### 13. POLICE SERVICES

#### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

#### b. Master EIR and/or New Mitigation Measures Applied to the Project

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

#### c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	X

#### Discussion:

The proposed project would have little effect relative to provision of police services.

## 14. FIRE SERVICES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	X

#### Discussion:

The proposed project would have no effect relative to provision of fire services.

## 15. SOLID WASTE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.	<input type="checkbox"/>	X

#### Discussion:

The proposed project will have not impact relative to solid waste.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.	<input type="checkbox"/>	X
(3) The project contains a contaminated site not identified as of March 2003.	<input type="checkbox"/>	X
(4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	X
(5) The project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	X

Discussion:

The proposed project would have no impacts relative to hazardous materials.

**17. LANDSLIDES AND SEISMIC ACTIVITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	<input type="checkbox"/>	X

Discussion:

The proposed building and parking addition would have no potential to increase risks associated with landslides or seismic activity.

## 18. ENERGY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed-in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |

## 19. PLANNING AND LAND USE

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

### a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.                | <input type="checkbox"/> | X  |
| (2) The project includes a substantive amendment to the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |
| (3) The project would physically divide an established community                         | <input type="checkbox"/> | X  |

#### Discussion:

The proposed building and parking addition is consistent with the Modesto Urban Area General Plan, and would not physically divide an established community.

## 20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

### a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would have a substantial adverse effect on a scenic vista.   | <input type="checkbox"/> | X  |
| (3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.             | <input type="checkbox"/> | X  |
| (4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. | <input type="checkbox"/> | X  |

## V. MITIGATION MEASURES APPLIED TO THE PROJECT

### A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1(c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

**Traffic and Circulation Measures:** N/A

#### **Air Quality Measures:**

- A. The City of Modesto shall work with the SJVUAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
- B. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
- C. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

#### **Noise Measures:**

The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- 1. A hammer, or any other device or implement used to pound or strike an object.
- 2. An impact wrench, or other tool or equipment powered by compressed air.
- 3. A hand-powered saw.
- 4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- 5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
8. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

**Agricultural Land Measures:** N/A

**Water Supply Measures:** N/A

**Sanitary Sewer Service Measures:** N/A

**Sensitive Wildlife and Plant Habitat Measures:** N/A

**Archaeological or Historic Sites Measures:**

If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the State CEQA Guidelines.

**Storm Drainage Measures:** N/A

**Flooding and Water Quality Measures:** N/A

**Parks and Open Space Measures:** N/A

**Schools Measures:** N/A

**Police Services:** N/A

**Fire Services:** N/A

**Generation of Solid Waste:** N/A

**Generation of Hazardous Materials:** N/A

**Potential for Landslides and Seismic Activity:** N/A

**Energy:** N/A

**Planning and Land Use:** N/A

**Aesthetics:** N/A

#### **B. New or Additional Mitigation Measures or Alternatives Required**

Where the project's effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-573**

**A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 71-348,  
ENTITLED, "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT ZONE, P-D(87)" (TED BRANVOLD/JAMES  
CHAMPION)**

WHEREAS, in mid-1971, the City Council, by Ordinance No. 1103-C.S., established Planned Development Zone, P-D(87), on property located on the west side of Tully Road south of Pearl Street and north of West Orangeburg Avenue, and

WHEREAS, the Planned Development Zone, P-D(87), was to allow development of a one-and two-story apartment complex, to be constructed in two phases, of which the first eleven units have been built to date as the first phase, and

WHEREAS, City Council Resolution No. 71-348 adopted by the City Council on April 26, 1971, approved the development plan for Planned Development Zone, P-D(87) and contained conditions of approval therefore, and

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Ted Brandvold, architect on behalf of James Champion on June 10, 2004, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(87), as an addition to Planned Development Zone, and to amend the Development Plan for Planned Development Zone, P-D(87) to allow construction of an additional 12 one- and two-story apartments, property located on the west side of Tully Road south of Pearl Street ("the Property"), described as follows:

Rezone R-1 to P-D(87)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the northeast Quarter of the northeast Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Starting at the northeast corner of said Section 19, thence S0°34'48"E, 916.00 feet to a point on the east line of said Section 19; thence N89°06'47"W, 45.01 feet, to the southeast corner of the property labeled as "Champion" on that Record of Survey filed in the office of the Recorder of Stanislaus County in Book 17 of Recorded Surveys, Page 96, said point being the True Point of Beginning; thence N89°06'47"W, 186.51 feet to the southwest corner of that land added to the Champion land by Lot Line Adjustment #88-09 as recorded February 23, 1988, as instrument #011134; thence N0°33'20"W, 65.44 feet to the northwest corner of said land in said Lot Line Adjustment #88-09; thence S83°02'00"E, 51.93 feet to the northeast corner of said land in said Lot Line Addition #88-09; thence S89°08'08"E, 134.99 feet to the northeast corner of said Champion property; thence S0°34'48"E, 60.00 feet to the Point of Beginning;

Also including the westerly half of Tully Road and the southerly half of the alley, all being immediately adjacent to the above described property.

WHEREAS, after a public hearing held on September 20, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-58, that rezoning of the Property and amending the Development Plan as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed amendment and rezoning is consistent with the Modesto Urban Area General Plan, because the use is consistent with the Residential General Plan, (R), designation for the site.
2. The Conditions of Approval and the revised plans will ensure that the proposed apartment expansion will be compatible with other uses in the area.

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 26, 2004, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Ted Brandvold, architect, on behalf of James Champion for an amendment to Planned Development Zone, P-D(87) to rezone the property from R-1 to P-D(87) as an addition to P-D(87), and to amend the Development Plan for P-D(87) to allow an additional 12 one- and two-story apartments on the Property should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3358-C.S. on the 26<sup>th</sup> day of October, 2004, reclassifying the above-described property from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(87), as an addition to Planned Development Zone, P-D(87), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 71-348 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(87)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for for Phase II of Planned Development Zone, P-D(87), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Apartment Complex on Tully, Mr. Jim Champion" as amended in red, stamped approved by the City Council on October 26, 2004.
2. Prior to the issuance of a building permit, the applicant shall submit to and obtain approval from the Planning Director plans pursuant to screening of the three stairways and landings serving the second-story units. These screenings shall be constructed on the north and west elevations to prevent views into the adjoining

neighbor's yards. These elevations shall have window sill heights at a minimum of six (6) feet.

3. Prior to issuance of a building permit, the developer shall establish with the Director of Public Works a system of providing for the treatment and disposal of storm water.
4. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhood Director or designee. Screen landscaping shall be installed along the north and west property line(s) of Phase II. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
5. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Six (6')-foot-high wood fence with decorative masonry pilasters at 16-foot on center on the north and west portions of Phase II.
6. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the City Engineer or designee.
8. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Public Works Director or designee. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director or designee.
9. All signs shall comply with the sign requirements of the R-3 Zone.
10. All conditions of City Council Resolution No. 71-348 not in conflict with this action shall remain in full force and effect.
11. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors, and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless

shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(87):

The entire construction program be accomplished in one phase, construction to begin on or before September 20, 2006, and completion to be not later than September 20, 2007."

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until Ordinance No. 3359-C.S, becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of October, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: [Signature]  
Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-574**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 19-3-9 OF THE ZONING MAP TO REZONE FROM R-1, LOW-DENSITY RESIDENTIAL ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(87), PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD SOUTH OF PEARL STREET (TED BRANDVOLD/JAMES CHAMPION)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Mr. Ted Brandvold, architect on behalf of Mr. James Champion has proposed that Section 19-3-9 of the Zoning Map be amended to rezone from R-1, Low-Density Residential Zone, to Planned Development Zone, P-D(87), as an addition to P-D(87) and to amend P-D(87) to allow twelve additional one and two-story apartments, property located on the west side of Tully Road, south of Pearl Street, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2004-53 (“Initial Study”) reviewed the proposed amendment to the zoning map and rezone to P-D(87) and the

proposed amendment to P-D(87) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“Master EIR”), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no or new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on October 9, 2004, the City caused to be published a 10-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 26, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the zoning map and rezone to P-D(87) and amendment to P-D(87), a copy of which is attached hereto as **Exhibit “A”**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Modesto Urban Area General Plan Master EIR (MEIR).
2. All applicable policies, regulation, and mitigation measures identified in the MEIR have been applied to the project or otherwise made Conditions of Approval of the project.
3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
4. Based on the Initial Study, the City of Modesto finds and determines:
  - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b. No new or additional mitigation measures or alternatives are required.
5. The Initial Study, Environmental Assessment No. EA/C&ED 2004-53, provides the substantial evidence to support finding numbers 1-4, noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of October, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED No. 2004-53

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. 2004-53**

**For the proposed:**

**Rezoning to P-D(87) and Amend P-D(87) to Add  
12 One-and Two-Story Apartments**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**September 1, 2004**

# City of Modesto

## Master EIR Initial Study Checklist

### I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the proposed rezone R-1 to P-D(87) and amendment to P-D(87) for the addition of 12 apartment units is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

### II. PROJECT DESCRIPTION

- A. Title: Rezone R-1 to P-D(87) and Amendment to P-D(87) for the addition of 12 apartment units.
- B. Address or Location: 1425, 1427, and 1435 Tully Road  
Modesto, CA 95350
- C. Applicant: Ted Brandvold, Architect  
for Mr. Jim Champion (Owner)  
Commercial Architecture  
1300 Tenth Street, Suite B  
Modesto, CA 95354
- D. City Contact Person:
- Project Manager: Bob Cannell  
Department: Community & Economic Development  
Phone Number: (209) 577-5274  
E-mail address: bcannell@modestogov.com

- E. Current General Plan Designation: R, Residential
- F. Current Zoning Classification(s): P-D(87) for the existing 11 apartment units; R-1 for area undergoing change to P-D(87) for additional 12 units.
- G. Surrounding Land Uses: North: Residential  
South: Residential  
East: Church, Residential  
West: Residential
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):  
  
The applicant seeks approval of a rezoning for R-1 to P-D(87) as a addition to P-D(87) currently containing 11 apartment units, and to amend P-D(87) to allow an additional 12 dwelling units
- I. Other Public Agencies Whose Approval is Required: None

**III. FINDINGS / DETERMINATION**

The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
- D. Based on the Initial Study, the City of Modesto finds and determines:
  - a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b) No new or additional mitigation measures or alternatives are required.
- E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

  
Project Manager

Senior Planner  
 Title

September 1, 2004  
 Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures contained within the Master EIR. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

#### 5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any negative response must be discussed.

- |  | YES | NO                       |
|--|-----|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project. | X   | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project.       | X   | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.                               | X   | <input type="checkbox"/> |

- (4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available. X
- (5) Policies that require site-specific mitigation remain in place, in addition to avoidance or other mitigation of impacts as a prerequisite to future development. X

**IV. ENVIRONMENTAL ANALYSIS**

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 buildout of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

**1. TRAFFIC AND CIRCULATION**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| (1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Where a project exceeds an additional 100 ADT contribution, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) Result in inadequate emergency access.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) Result in inadequate parking capacity.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

The proposed project would generate less than 100 ADT, and would have no impact relative to transportation system design, incompatible uses, and emergency access, nor would it result in inadequate parking capacity.

**2. AIR QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.	<input type="checkbox"/>	X
(1) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.	<input type="checkbox"/>	X
(2) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(4) The project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	X

- (5) The project would create objectionable odors affecting a substantial number of people.  X

Discussion:

The proposed project would not result in long-term air quality-related impacts, as it is only an additional 12 apartment units. However, in order to minimize any short-term air quality-related impacts associated with construction, the appropriate mitigation measures will be applied from the MEIR.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to exceed the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. New measures are listed in Section V: Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |     |  | YES                      | NO |
|-----|--|--------------------------|----|
| (1) | The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.                               | <input type="checkbox"/> | X  |
| (2) | The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.                                   | <input type="checkbox"/> | X  |
| (3) | The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | X  |

- (4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.  X

Discussion:

The proposed project will not result in any substantial increase in noise levels that exist without the project. Any noise thus generated by expansion is well-insulated by the enclosed design of the building complex. The appropriate mitigation measures will be applied from the MEIR.

**4. AGRICULTURAL LANDS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Pertinent to the Project**

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project will directly result in the development of land outside the March 2003 planning area boundaries. | <input type="checkbox"/> | X  |

- (3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.  X
- (4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.  X

Discussion:

The proposed project is in an urbanized area, and will have no effect on agricultural lands of any kind.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. | <input type="checkbox"/> | X  |

Discussion:

Water supplies are available to serve the existing and expanding apartment development.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project will result in a determination by the wastewater treatment provider who serves or may serve the project that there is not adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	X

Discussion:

The City of Modesto wastewater infrastructure has adequate capacity to serve the existing project.

**7. SENSITIVE WILDLIFE AND PLANT HABITAT**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.	<input type="checkbox"/>	X
(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	X

#### Discussion:

The proposed project would not have any impact on wildlife nor plant habitat.

## 8. ARCHAEOLOGICAL OR HISTORICAL SITES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site.	<input type="checkbox"/>	X

Discussion:

The proposed 12 additional apartments would have absolutely no impact whatsoever on archaeological / historical sites.

**9. STORM DRAINAGE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the

fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.	<input type="checkbox"/>	X
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

The proposed 12 additional apartments would not at all affect substantially increase the rate nor amount of surface runoff. Furthermore, the storm water drainage system will accommodate all on-site runoff.

**10. FLOODING AND WATER QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore

would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	X
(3)	The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	X
(4)	The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

The proposed project is subject to all City of Modesto storm water quality control requirements.

**11. PARKS AND OPEN SPACE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section V, Mitigation Applied to Project.

**c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

## 12. SCHOOLS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. ). As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures, which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

#### Discussion:

The proposed 12 additional apartments would have negligible impact to schools.

### 13. POLICE SERVICES

#### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

#### b. Master EIR and/or New Mitigation Measures Applied to the Project

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

#### c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	X

#### Discussion:

The proposed project would have little effect relative to provision of police services.

## 14. FIRE SERVICES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	X

#### Discussion:

The proposed project would have no effect relative to provision of fire services.

## 15. SOLID WASTE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity. | <input type="checkbox"/> | X  |

#### Discussion:

The proposed project will have not impact relative to solid waste.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.	<input type="checkbox"/>	X
(3) The project contains a contaminated site not identified as of March 2003.	<input type="checkbox"/>	X
(4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	X
(5) The project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	X

Discussion:

The proposed project would have no impacts relative to hazardous materials.

## 17. LANDSLIDES AND SEISMIC ACTIVITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

### c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. | <input type="checkbox"/> | X  |

Discussion:

The proposed 12 additional apartments would have no potential to increase risks associated with landslides or seismic activity.

## 18. ENERGY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

### c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 19. PLANNING AND LAND USE

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project includes a substantive amendment to the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(3) The project would physically divide an established community	<input type="checkbox"/>	X

Discussion:

The proposed 12 additional apartments is consistent with the Modesto Urban Area General Plan, and would not physically divide an established community.

**20. AESTHETICS**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	X
(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.	<input type="checkbox"/>	X
(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.	<input type="checkbox"/>	X

## V. MITIGATION MEASURES APPLIED TO THE PROJECT

### A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1(c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

**Traffic and Circulation Measures:** N/A

#### **Air Quality Measures:**

- A. The City of Modesto shall work with the SJVUAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
- B. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
- C. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

#### **Noise Measures:**

The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
8. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

**Agricultural Land Measures:** N/A

**Water Supply Measures:** N/A

**Sanitary Sewer Service Measures:** N/A

**Sensitive Wildlife and Plant Habitat Measures:** N/A

**Archaeological or Historic Sites Measures:**

If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the State CEQA Guidelines.

**Storm Drainage Measures:** N/A

**Flooding and Water Quality Measures:** N/A

**Parks and Open Space Measures:** N/A

**Schools Measures:** N/A

**Police Services:** N/A

**Fire Services:** N/A

**Generation of Solid Waste:** N/A

**Generation of Hazardous Materials:** N/A

**Potential for Landslides and Seismic Activity:** N/A

**Energy:** N/A

**Planning and Land Use:** N/A

**Aesthetics:** N/A

## **B. New or Additional Mitigation Measures or Alternatives Required**

Where the project's effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-575**

**A RESOLUTION DENYING THE APPEAL BY KAREN BURDICK AND  
UPHOLDING THE DENIAL BY THE BOARD OF ZONING ADJUSTMENT OF  
A VARIANCE TO RETAIN A FENCE ENCREACHING INTO THE 15-FOOT  
SETBACKS FROM TWO ADJOINING STREETS, PROPERTY LOCATED AT  
1201 OJAI LANE**

WHEREAS, Sections 10-1.202(a) and 10-2.2501 of the Modesto Municipal Code authorizes the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, the applicant has caused a new five-and-one-half-foot high fence to be constructed within the fifteen-foot setbacks from the two adjoining streets of her corner lot at 1201 Ojai Lane, on the northwest corner of Ojai Lane and Wildflower Drive, and

WHEREAS, the fence is constructed approximately six and one-half feet from the Ojai Lane property line and only three feet from the Wildflower Drive property line and also encroaches into the clear vision triangle, as defined in Section 10-2.2314(a) of the Modesto Municipal Code, and

WHEREAS, an application for a variance from the provisions of Section 10-2.510 of the Modesto Municipal Code to allow retention of the fence which encroaches into the respective street setbacks was filed by Karen Burdick on July 12, 2004, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on September 23, 2004, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after public hearing, the Board of Zoning Adjustment, by Resolution No. 2004-22, denied the application for a variance, finding that the findings for granting a variance cannot be made as required in Section 10-2.2502 of the Modesto Municipal Code, because there are no special circumstances or conditions applicable to the subject property which do not exist for other property in the same zone and immediate vicinity, and that strict application of setback provisions would not deprive the applicant of practical use of the property in question, and

WHEREAS, on October 1, 2004, an appeal to the denial by the Board of Zoning Adjustment was filed by Karen Burdick, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on October 26, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council of the City of Modesto found and determined that the appeal to the decision of the Board of Zoning Adjustment to deny the variance should be denied and that this decision by the Board should be upheld for the reason set forth in Board of Zoning Adjustment Resolution No. 2004-22 and set forth above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Karen Burdick of denial by the Board of Zoning Adjustment of a variance to retain a fence encroaching into the 15-foot setbacks from two adjoining streets at 1201 Ojai Lane is hereby denied and the decision of the Board of Zoning Adjustment is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of October, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-576**

**A RESOLUTION APPROVING THE 2005 CITY COUNCIL MEETING  
CALENDAR.**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that 2005 City Council Meeting, attached hereto as "Exhibit A", is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

City Council Calendar  
2005

Exhibit A

January 2005

4<sup>th</sup> Council Meeting (regular)  
11<sup>th</sup> Council Meeting (regular)  
18<sup>th</sup> NO MEETING  
25<sup>th</sup> Council Meeting (regular)

July 2005

5<sup>th</sup> Council Meeting (regular)  
12<sup>th</sup> Council Meeting (regular)  
19<sup>th</sup> NO MEETING  
26<sup>th</sup> CANCELLED

February 2005

1<sup>st</sup> Council Meeting (regular)  
8<sup>th</sup> Council Meeting (regular)  
15<sup>th</sup> NO MEETING  
22<sup>th</sup> Council Meeting (regular)

August 2005

3<sup>rd</sup> Council Meeting (special)  
9<sup>th</sup> Council Meeting (regular)  
16<sup>th</sup> NO MEETING  
23<sup>rd</sup> CANCELLED  
30<sup>th</sup> NO MEETING – 5<sup>th</sup> Tuesday

March 2005

1<sup>st</sup> Council Meeting (regular)  
8<sup>th</sup> Council Meeting (regular)  
15<sup>th</sup> NO MEETING  
22<sup>nd</sup> Council Meeting (regular)  
29<sup>th</sup> NO MEETING – 5<sup>th</sup> Tuesday

September 2005

6<sup>th</sup> Council Meeting (regular)  
13<sup>th</sup> Council Meeting (regular)  
20<sup>th</sup> NO MEETING  
27<sup>th</sup> Council Meeting (regular)

April 2005

5<sup>th</sup> Council Meeting (regular)  
12<sup>th</sup> CANCELLED  
19<sup>th</sup> NO MEETING  
26<sup>th</sup> Council Meeting (regular)

October 2005

4<sup>th</sup> Council Meeting (regular)  
11<sup>th</sup> Council Meeting (regular)  
18<sup>th</sup> NO MEETING  
25<sup>th</sup> Council Meeting (regular)

May 2005

3<sup>rd</sup> Council Meeting (regular)  
10<sup>th</sup> Council Meeting (regular)  
17<sup>th</sup> NO MEETING  
24<sup>th</sup> Council Meeting (regular)  
31<sup>st</sup> NO MEETING – 5<sup>th</sup> Tuesday

November 2005

1<sup>st</sup> Council Meeting (regular)  
9<sup>th</sup> Council Meeting (special)  
15<sup>th</sup> NO MEETING  
22<sup>nd</sup> Council Meeting (regular)  
29<sup>th</sup> NO MEETING – 5<sup>th</sup> Tuesday

June 2005

7<sup>th</sup> Council Meeting (regular)  
14<sup>th</sup> Council Meeting (regular)  
21<sup>st</sup> NO MEETING  
28<sup>th</sup> Council Meeting (regular)

December 2005

6<sup>th</sup> Council Meeting (regular)  
14<sup>th</sup> Council Meeting (special)  
21<sup>th</sup> Council Meeting (special) (Canvass)  
27<sup>th</sup> CANCELLED per MMC 2-1.01

NOTE: Aug 3<sup>rd</sup> Wed mtg due to Nat'l Night Out on 2<sup>nd</sup>  
Nov 9<sup>th</sup> mtg due to Election Day on 8<sup>th</sup>

Dec 14<sup>th</sup> mtg due to Run-Off Election on 13<sup>th</sup>  
Dec 21<sup>st</sup> mtg to canvass Run-Off results (if needed)

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 577**

**A RESOLUTION AMENDING THE  
FISCAL YEAR 2004-2005 ANNUAL BUDGET**

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in **Schedule A.**

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney



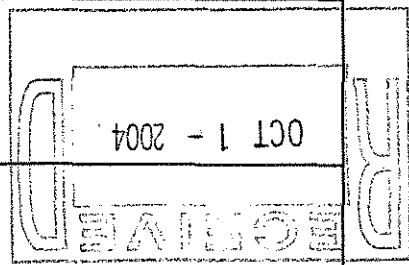
## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester Council Action Date: \_\_\_\_\_  
 Telephone No.: 577-6480 Resolution Number: \_\_\_\_\_  
 Department: Parks, Recreation and Neighborhoods  
 Fund Title: General FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					



**APPROPRIATIONS**

<u>FROM</u>					
0100-800-8000-8003	0100R		(\$43,574)	(\$43,574)	General Fund Reserves
<u>TO</u>					
0100 360 3614 0235	3600C	\$13,163	\$43,574	\$56,737	McClure Country Place

**COMMENTS/JUSTIFICATION**

In September 2001, Council approved \$220,014 for capital improvements to the McClure Country Place. These major improvements included a sewer line, HVAC, electrical wiring, foundation repair, fencing and security. Progress has been slow in completing these improvements to ready the house for possible rental. There was \$43,574 remaining in the McClure budget in 03/04 that was not encumbered with specific contractors. These funds need to be re-appropriated to finish the remaining work on the McClure Country Place.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		9/30/07
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jana Coons  
 Telephone No.: 2-2281  
 Department: Public Works  
 Fund Title: Gas Tax

Council Action Date: November 3, 2004  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u> 05-0700-800-8000-8003	0700R		(\$147,000)	(\$147,000)	Gas Tax Contingency
<u>TO</u> 05-0700-480-4615-6041 MY-2300-480-A019-6041	4615 A019	\$99,000	\$97,000 \$50,000	\$97,000 \$149,000	8th Street Stripping Blue Gum

\$147,000

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u> MY-0700-700-A019-7230	A019G		\$50,000	\$50,000	Transfer Gas Tax to 2300 fund
<u>TO</u> MY-2300-700-A019-9070			\$50,000	\$50,000	Transfer Gas Tax to 2300 fund

**COMMENTS/JUSTIFICATION**

In FY04 several organization were identified to carry budget forward to complete two projects E Bluegum and Culpepper overlay and the 8th St Restripping. Those budgets were not moved into FY05 this adjustment would the budgets for each of these to be increased and work to move forward

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 578**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO SOLICIT FORMAL REQUEST FOR BIDS (RFB) FOR STORM BASIN WEED ABATEMENT SERVICES FOR AN INITIAL TWO-YEAR PERIOD WITH THREE (3) ONE-YEAR CONTRACT EXTENSION OPTIONS FOR A TOTAL ESTIMATED ANNUAL COST OF \$22,450.00**

WHEREAS, the Public Works Department-Waste Water Collections Division has requested the purchase of storm basin weed abatement services, and

WHEREAS, currently the City of Modesto has twenty (20) storm basins throughout the storm collection system, and

WHEREAS, some are detention basins, while others are detentions basins, and

WHEREAS, retention basins collect water through a sequence of underground pipes that feed the basin, and

WHEREAS, storm water is stored in theses basins and allowed to percolate or evaporate, and

WHEREAS, detention basins have the added component of removing the storm water via a lift station located at the basin that pumps to an open waterway, MID canal, creek or river, and

WHEREAS, it is very important to maintain the integrity of the these basins to be able to hold as much capacity as possible, and

WHEREAS, this allows removal of storm water from streets during heavy rain events, thus removing a public safety hazard, and

WHEREAS, basins are excavated into the ground and consist of sloped dirt banks with access roads around the basins for maintenance, and

WHEREAS, it is imperative that weeds be kept at minimum to allow for optimal percolation and prevent possible vegetation from reaching the pump stations, and

WHEREAS, our current weed abatement contract includes regularly scheduled spraying of weed throughout our basin system, and

WHEREAS, this includes spraying at needed basins a total of four (4) times a year or as needed, and

WHEREAS, any chemicals used in the process are applied by a licensed and certified weed abatement contractor, and

WHEREAS, by soliciting competitive bids the City will achieve the best value for storm basin weed abatement services and meet City requirements for formal bids, and

WHEREAS, the City Council has appropriated \$22,450.00 in account number 6280-480-5312-0212-50 for storm basin weed abatement, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed \$50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of storm basin weed abatement services for an initial two-year period with three (3) one-year contract extension options for a total estimated annual cost of \$22,450.00, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Supervisor to solicit formal Request for Bids (RFB) for storm basin weed abatement services for an initial two-year period with three (3) one-year contact extension options for an estimated annual cost of \$22,450.00 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of storm basin weed abatement services to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-579**

**A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE  
EQUIPMENT (GROUPS 1 AND 6) TO L.N. CURTIS FOR AN ESTIMATED  
ANNUAL AMOUNT OF \$120,000.00.**

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and

WHEREAS, on March 2, 2004, Council approved by Resolution the formal solicitation of bids for personal protective equipment, and

WHEREAS, bids were solicited from twenty-two (22) companies, and

WHEREAS, the bid specification was also posted on the City's web site and formally advertised by the City Clerk's office, and

WHEREAS, four (4) companies responded with valid bids, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping, and

WHEREAS, L. N. Curtis submitted the lowest responsive and responsible bid for Groups 1 and 6 of the Personal Protective Equipment bid for an estimated annual amount of \$120,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for Groups 1 and 6 of the personal protective equipment bid to L.N. Curtis, for an estimated annual amount of \$120,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-580**

**A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE  
EQUIPMENT (GROUPS 2, 3D, 4 AND 7) TO P & R PRODUCTS FOR AN  
ESTIMATED ANNUAL AMOUNT OF \$25,000.00.**

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and

WHEREAS, on March 2, 2004, Council approved by Resolution the formal solicitation of bids for personal protective equipment, and

WHEREAS, bids were solicited from twenty-two (22) companies, and

WHEREAS, the bid specification was also posted on the City's web site and formally advertised by the City Clerk's office, and

WHEREAS, four (4) companies responded with valid bids, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping, and

WHEREAS, P & R PRODUCTS submitted the lowest responsive and responsible bid for Groups 2, 3d, 4 and 7 of the Personal Protective Equipment bid for an estimated annual amount of \$25,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for Groups 2, 3d, 4 and 7 of the personal protective equipment bid to P&R Products, for an estimated annual amount of \$25,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-581**

**A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE  
EQUIPMENT (GROUPS 3B AND 8) TO CASCADE FIRE FOR AN ESTIMATED  
ANNUAL AMOUNT OF \$3,000.00.**

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and

WHEREAS, on March 2, 2004, Council approved by Resolution the formal solicitation of bids for personal protective equipment, and

WHEREAS, bids were solicited from twenty-two (22) companies, and

WHEREAS, the bid specification was also posted on the City's web site and formally advertised by the City Clerk's office, and

WHEREAS, four (4) companies responded with valid bids, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping, and

WHEREAS, Cascade Fire submitted the lowest responsive and responsible bid for Groups 3b and 8 of the Personal Protective Equipment bid for an estimated annual amount of \$3,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for Groups 3b and 8 of the personal protective equipment bid to Cascade Fire, for an estimated annual amount of \$3,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-582**

**A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE  
EQUIPMENT (GROUP 3A AND 3C) TO FISHER FOR AN ESTIMATED  
ANNUAL AMOUNT OF \$2,000.00.**

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and

WHEREAS, on March 2, 2004, Council approved by Resolution the formal solicitation of bids for personal protective equipment, and

WHEREAS, bids were solicited from twenty-two (22) companies, and

WHEREAS, the bid specification was also posted on the City's web site and formally advertised by the City Clerk's office, and

WHEREAS, four (4) companies responded with valid bids, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping, and

WHEREAS, Fisher submitted the lowest responsive and responsible bid for Group 3a and 3c of the Personal Protective Equipment bid for an estimated annual amount of \$2,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for Group 3a and 3c of the personal protective equipment bid to Fisher, for an estimated annual amount of \$2,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-583**

**RESOLUTION APPROVING A SECOND AMENDMENT TO AN AGREEMENT WITH KRAMER.FIRM, INC. FOR PROFESSIONAL CABLE CONSULTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$355,000 AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, ON April 23, 2002, Council approved an Agreement between City and Kramer.Firm, Inc for consulting services relating to the City's cable franchise in the amount of \$55,000 and,

WHEREAS, on January 6, 2003 Council adopted a resolution approving a first amendment to an Agreement with Kramer.Firm, Inc for professional cable consultation services for an amount not to exceed \$155,000, and

WHEREAS, since that time Kramer.Firm, Inc has been conducting grounding inspections and providing sighting services for the issue of permits related to the cable rebuild, and

WHEREAS, the City continues to work with Comcast Corporation on franchise compliance issues but has concerns regarding progress toward meeting the franchise requirements, and

WHEREAS, existing staff does not have the expertise to assess legal and technical issues pertaining to the cable franchise transfer and compliance, and

WHEREAS, the City has utilized the services of Kramer.Firm, Inc., in the past and been very satisfied with the level of technical knowledge and expertise of that firm, and

WHEREAS, City wishes to enter into a second Amendment to Agreement with Kramer.Firm, Inc, for an additional \$200,000, and

WHEREAS the cost of continued services by Kramer.Firm, Inc., to resolve technical issues pertaining to the transfer and cable franchise compliance is estimated at \$355,000, and

WHEREAS, the City is reimbursed for expenditures for these purposes, as per the Cable Transfer Agreement, and

WHEREAS, an additional funding allocation is not being requested,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to Item 3 Compensation of the existing agreement with Kramer.Firm, Inc., for professional technical cable services in an amount not to exceed \$355,000, a copy of which is attached hereto as **Attachment 1**.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement.

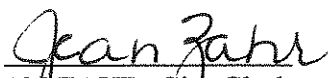
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
MICHAEL D. MILICH, CITY ATTORNEY

SECOND AMENDMENT TO STANDARD  
AGREEMENT FOR CONSULTING SERVICES

This Amendment is made and entered into in the City of Modesto, County of Stanislaus, State of California, effective the \_\_\_\_ day of October, 2004, by and between the City of Modesto, ("City"), a municipal corporation of the State of California, and Kramer.Firm, Inc. ("Consultant").

This Amendment is made with reference to the following recitals:

- A. City and Consultant executed an agreement for consulting services in connection with City's cable franchise on April 23, 2002.
- B. City and Consultant now desire to amend the Agreement to amend paragraph 3.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements contained herein, the parties mutually agree and covenant as follows:

- 1. Except as provided herein, the terms used in this Second Amendment shall have the same meaning as the terms have in the original Agreement.
- 2. The Agreement is hereby amended as follows: Paragraph 3 of said Agreement entitled Compensation is hereby amended to read as follows:  
3. Compensation. Consultant agrees to perform the services set forth in Exhibit A at the rates set forth in Exhibit B, both exhibits are incorporated herein by reference. The total amount of the contract including salaries and expenses shall not exceed three hundred fifty-five thousand and no/100ths (\$355,000.00) dollars without the express written permission of the City to extend the contract above this amount. Payment of all vendor costs, salaries, wages and other forms of compensation or reimbursement, and all applicable federal, state and local taxes, including unemployment taxes, social security and state disability insurance as well as all other payroll charges are the responsibility of the Consultant. City shall make

payments to Consultant within thirty (30) business days of timely submission of invoice.

3. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effective.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, and Consultant have caused this Amendment to be executed in duplicate by its Acting City Manager and attestation by its City Clerk under authority of Resolution No. \_\_\_\_\_, adopted by the Council of the City of Modesto on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 and Kramer.Firm, Inc. has caused this agreement to be duly executed.

CITY OF MODESTO, a municipal corporation

KRAMER.FIRM, inc.

By \_\_\_\_\_  
GEORGE BRITTON, Acting City Manager

By \_\_\_\_\_  
JONATHAN KRAMER, FAIE

ATTEST:

Consultant's Federal ID# \_\_\_\_\_

By \_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
MICHAEL D. MILICH, City Attorneys

Corporations – signature of two (2) officers required or one (1) officer plus corporate seal.

Partnership – signature of a partner required.

Sole Proprietorship – signature of proprietor required.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-584**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Acting City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

**Emergency Dispatch Director**

The job specification for this classification is being created for use as part of a joint powers authority between the City of Modesto and the Consolidated Emergency Dispatch Agency. This classification is in the unclassified service and the individual appointed will be considered an “at will” employee of the City of Modesto pursuant to Section 1201(a)(6) of the City’s Charter. The job specification for the classification of Emergency Dispatch Director as shown on the attached **Exhibit “A,”** which is hereby

made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 1, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## EMERGENCY DISPATCH DIRECTOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

Subject to the Joint Powers Agency Commission determination of policy, the Emergency Dispatch Director is to manage and lead a centralized emergency dispatch operation for the Joint Powers Agency and to perform related duties as required.

As such, the incumbent shall be considered "at will".

### SUPERVISION EXERCISED AND RECEIVED

Receives administrative direction from the Joint Powers Agency Commission.

Exercises direct supervision over administrative, technical, and support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Plan and supervise the day-to-day operation of Stanislaus Regional 911 Dispatch Center including managing the work of staff performing emergency dispatching services as well as the administrative, technical and support personnel necessary to operate a consolidated emergency dispatch service.

Meet regularly with dispatch liaison officers, appointed by the Advisory, to consider and implement recommendations concerning the processing and resolution of complaints and the day-to-day coordination of dispatch Services between the City, County and participating agencies.

Work with the Advisory Board, staff and representatives of member agencies to set the direction of the department based on customer expectations and the Dispatch Commission's missions, values and objectives.

Essential Functions: (Continued)

Prepare Emergency Dispatch budget requests, estimating and anticipating changes in the level of service required and continuously monitor, administer, and report on the budget after approval and adoption.

Design and implement a staff development system consistent with the Agency's goals and objectives and enthusiastically promote the professional growth and recognition of all employees.

Coordinate and participate in the maintenance, design, modification and installation of the communications systems and equipment.

Insure all technical problems arising in or resulting from the operation of communications systems and equipment are corrected.

Appear before public groups and give talks on functions and activities of the Consolidated Dispatch Agency.

Focus on the future, creating linkages with internal and external customers, translating strategy into effective action plans, continually assessing these plans and taking action as appropriate.

Working with the Commission and Advisory Board, develop the human resource plan to support the Consolidated Emergency Dispatch services needs to include change in work design, employee development, recruitment and compensation.

Perform internal and external customer needs assessments and establish an effective response system for ongoing internal/external customer feedback to insure continuous improvement.

Maintain information, prepare reports and use information and analysis to anticipate potential issues/trends and implements appropriation actions.

Identify and prioritize key processes for improvement based upon customer feedback/trends and develop and implement process improvement measures and controls and recommend and advise on procedures and policies required in the public interest.

Establish operational performance indicators and measures them to ensure results.

Review, implement and monitor Federal Communications Commission operational directives and procedures and work with all user agencies relative to these directives.

Essential Functions: (Continued)

Foster a cooperative relationship with employee organization, promoting an interest-based problem solving approach to resolve employee issues.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Consolidated emergency dispatch operations, including staffing, and methods, materials and equipment requirements used in the design, installation, operation and maintenance of a complex emergency communication system.

Applicable State and Federal laws regarding CLETS, communications standards and rules and regulations of the Federal Communications Commission.

Functions of human resource development and management including work design, employee development, evaluation, recruitment, retention and recognition.

Principles, practices, technology and trends in public safety emergency communication systems operations and administration.

Information gathering methods and analysis, budget preparation and report writing techniques.

Ability to:

Effectively plan, develop, implement and maintain consolidated emergency dispatch services, policies and procedures.

Manage highly technical programs and activities.

Meet with user committees and other agencies in resolving problems, developing programs or discussing services.

Work effectively and cooperatively with all customers including staff, Commission members, Advisory Board, and agency partners.

Ability to: (Continued)

Serve as an effective leader, promoting personal responsibility, integrity and accountability.

Provide appropriate and effective written and verbal communication including preparation of the annual report of Emergency Dispatch services.

Create a positive and optimistic work environment, maintaining the self-confidence and self-esteem of others.

Analyze information, anticipate potential issues and trends and make decision based upon facts.

Perform customer needs assessments and benchmarking and evaluate the data collected.

Plan, direct and evaluate the work of staff engaged in all aspects of a consolidated emergency dispatch operation.

Establish and maintain an effective response system for ongoing internal/external customer feedback.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five (5) years progressively responsible experience in an administrative managerial capacity, which includes experience in budget preparation and personnel administration, or any equivalent combination of experience and training which clearly demonstrates the ability to perform the typical tasks.

Training:

Bachelor's degree in public or business administration from an accredited college or university (qualifying experience may be substituted for college education on a year for year basis).

License or Certificate:

Possession of, or the ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; exposure to computers.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time using a personal computer and attending meetings.

MODESTO CITY COUNCIL  
RESOLUTION No. 2004-585

**A RESOLUTION AMENDING EXHIBIT "N" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 1, 2003 AND RESCINDING RESOLUTION NOS. 2002-307 AND 2003-81A AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-331 EFFECTIVE JUNE 20, 2003," TO ESTABLISH A SALARY RANGE FOR EMERGENCY DISPATCH DIRECTOR AT RANGE 1417, EFFECTIVE NOVEMBER 1, 2004.**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective June 26, 2003, and

WHEREAS, the City Council desires to amend Resolution No. 2003-330,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330.

Exhibit "N" entitled "City of Modesto Class Range Table, Executive Management Effective July 1, 2003," attached to Resolution No. 2003-330, is hereby amended as shown on the amended **Exhibit "A"** entitled, "City of Modesto Class Range Table Executive Management Effective November 1, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** establishes the Salary Range for Emergency Dispatch Director at Range 1417.

SECTION 2. EFFECTIVE DATE. The resolution shall become effective on and

after November 1, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahir  
JEAN ZAHIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective **November 1, 2004**

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RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1416	
<b>1417</b>	<b>Emergency Dispatch Director</b>
1418	
1419	
1420	Finance Director Personnel Director
1421	
1422	Chief Information Officer Community Development Director Parks, Recreation, and Neighborhoods Director Public Works Director
1423	
1424	
1425	
1426	
1427	Deputy City Manager Fire Chief Police Chief
1428	City Attorney
1429 – 1432	
1433	City Manager

Exhibit 'A'

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-586**

**A RESOLUTION ALLOCATING A NEW POSITION TITLED EMERGENCY  
DISPATCH DIRECTOR TO THE POLICE DEPARTMENT.**

WHEREAS, the City of Modesto and the County of Stanislaus have entered into a Joint Exercise of Powers Agreement (JPA), and

WHEREAS, this JPA provides for the sharing of cost for dispatch services between the City, County, and other participating agencies, and

WHEREAS, the JPA also calls for the hiring of an Emergency Dispatch Director to manage and lead a centralized emergency dispatch operation for the JPA, and

WHEREAS, the Emergency Dispatch Director will be an employee of the City of Modesto, and

WHEREAS, the JPA members will reimburse the City of Modesto for the salary and benefit costs associated with this position on a quarterly basis beginning January 15, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the following position change is hereby approved in the Police Department: as follows:

Add one (1) full-time Emergency Dispatch Director position in the unclassified services at salary range of 1417, in organization 1901, effective November 1, 2004.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary allocation changes in coordination with the Personnel Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-587**

**RESOLUTION ACCEPTING THE WORK BY BARHAM, INC., FOR THE  
“MCKINNEY COLONY PARK” PROJECT AS COMPLETE, AUTHORIZING  
THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND  
AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$230,572.76 PER  
THE CONTRACT. TOTAL PROJECT COST IS \$294,583.50.**

WHEREAS, a report has been filed by the Public Works Director that the project titled “McKinney Colony Park” has been completed by Barham, Inc., in accordance with the contract agreement dated June 10, 2003.

NOW, THEREFORE, BE IT RESOLVED that the “McKinney Colony Park” project be accepted from said contractor, Barham, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$230,572.76 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-588**

**A RESOLUTION REJECTING THE SOLE IRREGULAR BID OF \$189,900  
FROM JVD, INC., FOR THE PROJECT TITLED “ROTARY CENTENNIAL  
JUNCTION INFRASTRUCTURE,” AND AUTHORIZING STAFF TO RE-  
ADVERTISE THE PROJECT AT A FUTURE DATE**

WHEREAS, the sole bid received for “Rotary Centennial Junction Infrastructure Project” was opened at 11:00 a.m. on October 5, 2004, and

WHEREAS, during the bid evaluation process staff discovered a discrepancy between the unit cost and the total for a unit bid basis line item, and

WHEREAS, the City Attorney’s office determined that the existence of the irregularity in the bid made the bid unacceptable and also recommended that the project be rebid, and

WHEREAS, the Public Works Director also recommends that the bid be rejected and that staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for the “Rotary Centennial Junction Project,” opened in the office of the City Clerk on October 5, 2004, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-589**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(568). (ARCHITECTURE PLUS)**

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Architecture Plus on July 5, 2004, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D(568), to allow the creation of a parcel without street frontage in conjunction with development of previously-approved office buildings, property located on the north side of Sylvan Avenue west of Claremont Avenue, described as follows:

P-O to P-D(564)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northeast Quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

All of Parcel 1 as shown in Book 49 of Parcel Maps, Page 46, Stanislaus County Records;

Also including the northerly half of Sylvan Avenue, being immediately adjacent to the above described property.

WHEREAS, after a public hearing held on September 20, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-57, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed rezoning will not result in any additional development beyond what has previously been approved for the site.

2. The proposed project is compatible with existing and potential surrounding development, because it consists of single-story offices that orient to Sylvan Avenue, a Principal Arterial street.

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 3, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Architecture Plus for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3360-C.S. on the 3rd day of November, 2004, reclassifying the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(568).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(568), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Development for 1001 Sylvan" as amended in red, stamped approved by the City Council on November 3, 2004.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhood Director or designee. Screen landscaping shall be installed along the north and west

property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Six-foot-high wood fence with decorative masonry pilasters at 16-foot on centers along the west property line adjacent to the professional office buildings.
  - b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16-foot on centers, or stucco wall with masonry pilasters at 16-foot on centers, or masonry wall along the entire north property line and along that portion of the west property line adjacent to the parking area.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Seven-foot street dedication, consistent with Standard Specifications, shall be made on Sylvan Avenue prior to occupancy or at any time requested by the City Engineer or designee to alleviate a health, safety, or traffic problem in the area.
6. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the City Engineer or designee.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the City Engineer or designee.
8. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Public Works Director or designee. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director or designee.
9. Prior to the issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan.

10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building & Development Services all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
11. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Chief Building Official.
12. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of stormwater, as approved by the Public Works Director or designee. Storm drain improvements shall be constructed in accordance with the approved plans.
13. All signs shall comply with the sign requirements of the P-O Zone.
14. All conditions of Board of Zoning Adjustment Resolution No. 98-14 not in conflict with this action shall remain in full force and effect.
15. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employ-ees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
16. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.

The following conditions of approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report:

17. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
18. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
19. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
20. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
21. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
22. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
23. The City's Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."  

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

  - a. A hammer or any other device or implement used to pound or strike an object.
  - b. An impact wrench or other tool or equipment powered by compressed air.

- c. A hand-powered saw.
- d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
- h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

24. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the CEQA Guidelines.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(568):

The entire construction program be accomplished in one phase, construction to begin on or before November 3, 2006, and completion to be not later than November 3, 2007.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(568), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None


ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST:


  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION

By:   
Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-590**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 9-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(568) PROPERTY LOCATED ON THE NORTH SIDE OF SYLVAN AVENUE WEST OF CLAREMONT AVENUE (ARCHITECTURE PLUS)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the updated Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Architecture Plus has proposed that the zoning designation for property located on the north side of Sylvan Avenue west of Claremont Avenue be amended to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(568), in the City of Modesto (“the project”) to allow the creation of a parcel without street frontage in conjunction with development of previously-approved office buildings, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2004-52 (“Initial Study”) reviewed

the proposed amendment to the Zoning Map and rezone to P-D(568) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR ("Master EIR"), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on October 14, 2004, the City caused to be published a 10-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 3, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(568) project, a copy of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.

2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2004-52

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. (2004-52)**

**For the proposed:**

**Rezoning from P-O to P-D, 1001 Sylvan Avenue**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**September 1, 2004**

**City of Modesto**  
**Master EIR Initial Study Checklist**

**I. PURPOSE**

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether P-D (Eastgate Center) is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

**II. PROJECT DESCRIPTION**

- A. Title: Rezone P-O to P-D, 1001 Sylvan.
- B. Address or Location: 1001 Sylvan Avenue.
- C. Applicant: Architecture Plus, 1207 Thirteenth Street, Suite 6, Modesto, CA 95354
- D. City Contact Person: Josh Bridegroom

Project Manager: Josh Bridegroom  
Department: Community and Economic Development Department  
Phone Number: (209) 571-5540  
E-mail address: jbridegroom@modestogov.com

- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): Professional Office (P-O) Zone
- G. Surrounding Land Uses:  
North: Single family residences  
South: Single-family residences on south side of Sylvan Avenue  
East: Offices  
West: Single family residences

- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

This is miscellaneous land use project as defined by Section II.C of the MEIR. This is an application to rezone a 1.15-acre parcel from Professional Office (P-O) Zone to Planned Development (P-D) Zone to allow a parcel split which would result in the creation of a parcel without street frontage, in conjunction with development of previously-approved office buildings. The office buildings are single-story, and total 10,976 square feet. They will be accessed via an existing driveway that will be shared with the existing office development to the east.

- I. Other Public Agencies Whose Approval is Required: none.

### III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

A.  **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

1. The type of project is described in Chapter II of the Master EIR.
2. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
4. Based on the Initial Study, the City of Modesto finds and determines:
  - a. The proposed subsequent project will have no additional significant effects as defined in CEQA Section 21158 that were not identified in the MEIR.
  - b. No new or additional mitigation measures or alternatives are required.
5. The criteria for currency of the Master EIR were reviewed (Section E below) and it was determined that the Master EIR is current for all areas of the Initial Study.

B.  **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

1. The type of project is described in Chapter II of the Master EIR.
2. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
3. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation

measures are being required of the project that will reduce the effects to a less-than-significant level.

**C. Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:

1. The type of project is described in Chapter II of the Master EIR.
2. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
3. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Steve Mitchell for JB  
Project Manager

Principal Planner  
Title

9/1/04  
Date

**D. Within the Scope Analysis of this Document:**

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES                                 | NO                       |
|---|-------------------------------------|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**E. Currency of the Master EIR Document**

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

- |   | YES                                 | NO                       |
|---|-------------------------------------|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- (a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.
- (b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.
- (c) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.

**IV. ENVIRONMENTAL ANALYSIS**

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 buildout of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

**1. TRAFFIC AND CIRCULATION**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures – will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No Traffic and Circulation mitigation measures are appropriate to the project. The project will pay its fair share for Citywide traffic mitigation measures by paying the City's Capital Facilities Fees, which is a Citywide financing mechanism to pay for Traffic and Circulation mitigation measures identified in the Master EIR.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

YES NO

- (1) The project would contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway's peak hour or the development's peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR.  YES  NO

Where a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Public Works staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

YES NO

- (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).  YES  NO
- (3) Result in inadequate emergency access.  YES  NO

(4) Result in inadequate parking capacity.



Discussion:

- (1) The Institute of Traffic Engineers (ITE) Manual specifies a P.M. Peak Hour Trip Generation rate of 3.72 trips per 1,000 square feet of medical/dental offices. Using this rate, the 10,976 square feet of offices proposed by this development would generate 41 peak-hour trips, well below the 100 peak-hour threshold for additional study.
- (2) The project does not substantially increase hazards due to the fact that it will use an existing driveway, and thereby will not introduce a new access point onto public streets.
- (3) The project meets the City's Standards with regard to the maneuverability of emergency vehicles, and therefore will provide adequate emergency access.
- (4) The project will provide 71 parking spaces, well in excess of the minimum 55 spaces that the Modesto Municipal Code requires, so the project will have ample parking capacity.

## **2. AIR QUALITY**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Air Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

Air Quality mitigation measures appropriate to this project include: AQ-17

### **c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) The project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) The project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is within the scope of the Master EIR for traffic related impacts. Therefore, it should be within the scope of the Master EIR for CO and NOx emissions in that these pollutants are traffic induced.
- (2) The project will incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measures above).
- (3) Applicable General Plan Policies will be applied to the project. Therefore, project-specific effects will be less than significant for this impact (see mitigations measures above).
- (4) The project will not generate substantial pollutant concentrations because of the small size (10,900 square feet) of the project, and because the traffic impacts are within the scope of the MEIR. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.
- (5) As the project is medical and professional offices, it should not produce objectionable odors.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. and any new measures are listed in Section IV, Mitigation Applied to Project:

Discussion:

Noise mitigation measures appropriate to this project include: N-4, N-5 and N-6

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project - specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The City's noise policy is incorporated into the conditions of approval as a mitigation measure (see mitigation measures above).
- (2) The project is consistent with what the General Plan assumed for the site both in land use and intensity and is consistent with the noise policies of the General Plan. The noise mitigation

measures called for by the General Plan for projects within the baseline developed area are incorporated into the conditions of approval for the project (see mitigation measures above).

- (3) The only permanent noise levels produced by the project would be associated with traffic. The increased traffic levels are within the scope of what the MEIR assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.
- (4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project (see mitigation measures above).

#### 4. AGRICULTURAL LANDS

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

##### b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

There are no Agricultural Land mitigation measures applicable to this project.

##### c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- (2) The project will directly result in the development of land outside the March 2003 planning area boundaries.
- (3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- (4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

Discussion:

- (1) The project is consistent with the General Plan land use policies. It is an infill project, proposed within the urbanized area of the City. There are no agricultural parcels affected by the proposal and no agricultural and will be converted.
- (2) The project is within the baseline developed area of the City and therefore will not result in the development of land outside the March 2003 planning area boundaries.
- (3) The project site is not zoned for agriculture, nor is it under Williamson Act contract.
- (4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The project is completely surrounded by urbanization.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable

contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no Water Supply mitigation measure applicable to this project.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.
- (2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) Sufficient water supplies are available to serve the proposed development.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy

cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study. are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no Sewer Service mitigation measure applicable to this project.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) Sufficient sewer capacity is available to serve the proposed development.

## 7. SENSITIVE WILDLIFE AND PLANT HABITAT

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

There are no Wildlife and Plant Habitat mitigation measure applicable to this project. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR.

### c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

- (2) The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.
- (3) There is no conflict with any local policies or ordinances protecting biological resources

## **8. ARCHAEOLOGICAL OR HISTORICAL SITES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

#### Discussion:

Archaeological and Historic mitigation measures applicable to this project include: AH-8.

### **c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- |     |   |                          |                                     |
|-----|---|--------------------------|-------------------------------------|
| (1) | The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) | The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.
- (2) The project would not adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. The mitigation measure called for by the General Plan is incorporated into the conditions of approval for the project.

## 9. STORM DRAINAGE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

Storm Drainage mitigation measures appropriate to this project include: SD-7. This mitigation measure is addressed by condition of approval no. 12.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.
- (2) The project proposes to increase the impervious surface. However, it will be designed to meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures," adopted by the City and applied to the project as a Mitigation Measure. With the application of the appropriate mitigation, the effect will be less than significant.
- (3) The project will contribute additional water runoff. However, with the application of the mitigation measures called for in the conditions of approval of the project, the effect will be less than significant.

## **10. FLOODING AND WATER QUALITY**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

#### Discussion:

Flooding and Water Quality mitigation measures appropriate to this project include: FWQ-14. This is addressed by condition of approval no. 12.

### **c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan Designation for the site both in land use and intensity.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3) Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.
- (4) The project would not create or contribute to runoff water in excess of the capacity of existing or planned storm water drainage systems or provide additional sources of polluted runoff. The appropriate mitigation measures will be applied to the project.

**11. PARKS AND OPEN SPACE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section IV, Mitigation Applied to Project:

Discussion:

There are no Parks and Open Space mitigation measure applicable to this project. It is not on or adjacent to any park sites, nor is it near any of the riparian area identified by Figures V-7-1a through V-7-1e of the MEIR.

**c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

**12. SCHOOLS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation

of the policies in place under the Modesto Urban Area General Plan. ). As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

There are no mitigation measure applicable to this project. The project will pay applicable schools fees as provided under state law.

**c. Project-Specific Effects**

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project - specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project will pay any schools fees applicable under SB 50.

**13. POLICE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No Police Services mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

**14. FIRE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No Fire Services mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measures pertinent to the project being analyzed in this Initial Study. are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No Solid Waste mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project - specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The existing disposal systems have adequate capacity to serve the project.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

#### Discussion:

No Hazardous Materials mitigation measures are applicable to this project.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) The project contains a contaminated site not identified as of March 2003.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- (5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.
- (3) The project site is not known to contain any contaminants.
- (4) The project is not located within a ¼ mile of any existing school.
- (5) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

**17. LANDSLIDES AND SEISMIC ACTIVITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measures pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to

be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No Landslide and Seismic Activity mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

**18. ENERGY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following Energy mitigation measures are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No Energy mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project - specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
|   | YES                      | NO                                  |
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

**19. PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
|   | YES                      | NO                                  |
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- (2) The project includes a substantive amendment to the Modesto Urban Area General Plan.    
X
- (3) The project would physically divide an established community

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) No amendment to the General Plan is required by this project.
- (3) The project will be located immediately adjacent to existing offices, and is currently zoned to allow offices. Further, it is located on a principal arterial street, and does not separate existing residential neighborhoods.

**20. AESTHETICS**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) The project would have a substantial adverse effect on a scenic vista.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.             | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) There are no scenic vistas from the location of the proposed development. It is completely surrounded by urbanization. Views to the Diablo and Sierra Mountain Ranges are already precluded from this site and its surroundings.
- (3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings. The new office buildings are single-story, and design of the buildings is

residential in character, to complement the existing adjacent residential areas.. The project will be made to meet City Standards for setbacks from public streets and landscaping.

- (4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area, as all parking area lighting will be required to be shielded from adjacent residential areas.

## **V. MITIGATION MEASURES APPLIED TO THE PROJECT**

### **A. Master EIR Mitigation Measures Applied to the Project**

Pursuant to CEQA Section 21157.1 ( c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project.

#### **Traffic and Circulation Measures:**

No Traffic and Circulation Measures have been identified as appropriate for the project.

#### **Air Quality Measures:**

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
2. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
3. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
4. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
5. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

6. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

**Noise Measures:**

1. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- a. A hammer, or any other device or implement used to pound or strike an object.
- b. An impact wrench, or other tool or equipment powered by compressed air.
- c. A hand-powered saw.
- d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
- h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

2. Construction equipment and vehicles shall be equipped with properly operating mufflers according to the manufacturer's recommendations. Air compressors and pneumatic equipment shall be equipped with mufflers and impact tools shall be equipped with shrouds or shields.

**Agricultural Land Measures:**

No Agricultural Land Measures have been identified as appropriate for the project.

**Water Supply Measures:**

No Water Supply Measures have been identified as appropriate for the project.

**Sanitary Sewer Service Measures:**

No Sanitary Sewer Service Measures have been identified as appropriate for the project.

**Sensitive Wildlife and Plant Habitat Measures:**

No Sensitive Wildlife and Plant Habitat Measures have been identified as appropriate for the project.

**Archaeological or Historic Sites Measures:**

1. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K

**Storm Drainage Measures:**

Addressed by condition of approval no. 12.

**Flooding and Water Quality Measures:**

Addressed by condition of approval no. 12.

**Parks and Open Space Measures:**

No Parks and Open Space Measures have been identified as appropriate for the project.

**Schools Measures:**

No Schools Measures have been identified as appropriate for the project.

**Police Services Measures:**

No Police Services Measures have been identified as appropriate for the project.

**Fire Services Measures:**

No Fire Services Measures have been identified as appropriate for the project.

**Generation of Solid Waste**

No Solid Waste Measures have been identified as appropriate for the project.

**Generation of Hazardous Materials**

No Hazardous Materials Measures have been identified as appropriate for the project.

**Potential for Landslides and Seismic Activity Measures**

No Landslides and Seismic Activity Measures have been identified as appropriate for the project.

**Energy Measures**

No Energy Measures have been identified as appropriate for the project.

**Planning and Land Use Measures**

No Planning and Land Use Measures have been identified as appropriate for the project.

**Aesthetics Measures**

No Aesthetics Measures have been identified as appropriate for the project.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-591**

**A RESOLUTION APPOINTING MEMBERS TO THE PLANNING  
COMMISSION**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on October 27, 2004, and recommended appointment of MARY ARIAS and F. TOM BERGLUND to the Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. MARY ARIAS, is hereby appointed to the Planning Commission with a term expiration of January 1, 2007.

SECTION 2. F. TOM BERGLUND is hereby appointed to the Planning Commission commencing January 1, 2005, with a term expiration of January 1, 2009.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Marsh, Keating, O'Bryant, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-592**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
DECLARING THE OFFICIAL INTENT OF THE CITY TO BE REIMBURSED  
FOR CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF  
INDEBTEDNESS**

(Village One Project)

WHEREAS, this City intends to acquire and construct certain capital facilities (collectively, the "Village One Project") authorized to be financed for its Community Facilities District No. 2004-1 (Village One #2) under proceedings being conducted pursuant to this Council's Resolution Nos. 2004-127 and -128, each adopted on March 2, 2004, and

WHEREAS, the City has paid, and will pay on or after the date hereof certain capital expenditures (the "Expenditures") in connection with the Village One Project prior to the issuance of one or more series of tax-exempt bonds or other forms of indebtedness (the "Indebtedness"), in the principal amount of not to exceed \$75,000,000, for the purpose of financing the Village One Project, and

WHEREAS, the City reasonably expects that it will be reimbursed for the Expenditures from the proceeds of the Indebtedness, and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the City to declare its reasonable official intent to be reimbursed for prior capital expenditures made for the Village One Project with proceeds of the Indebtedness,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City declares its official intent to use proceeds of the Indebtedness to reimburse itself for Expenditures paid on or after the date which is no more than 60 days prior to the date hereof. This declaration is made solely for the

purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations, and does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Village One Project.

SECTION 3. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Indebtedness to reimburse itself for an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the facility with respect to which such Expenditure relates is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

SECTION 4. The City recognizes that exceptions are also available under the Treasury Regulations for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Hawn, Jackman, Keating, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Marsh, Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-593**

**A RESOLUTION APPROVING AN AGREEMENT AMENDING THE DESIGN SERVICE CONTRACT WITH O'DELL ENGINEERING TO INCREASE THE CONTRACT AMOUNT FROM \$190,700 TO \$207,580 WITH AN ADDITIONAL \$5,000 CONTINGENCY AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR TO EXECUTE SAID AMENDMENT.**

WHEREAS, on March 16, 2004, the Village One Community Facilities District (CFD #1996-1) retained O'Dell Engineering to design the necessary road improvements along Floyd Ave. between Oakdale Rd. and Roselle Ave., and

WHEREAS, it is necessary that O'Dell Engineering perform additional tasks that were not included in the original scope of work, and the total cost proposal for these additional items is \$16,880, and

WHEREAS, in order to complete the design of the Floyd Ave. improvement project, an amendment to the design service contract with O'Dell Engineering to increase the fee from \$190,700 to \$207,580, with an additional \$5,000 contingency is necessary,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves an amendment to the design service contract with O'Dell Engineering to increase the contract amount from \$190,700.00 to \$207,580.00 with an additional \$5,000 contingency.

BE IT FURTHER RESOLVED that the Council hereby authorizes the District Administrator, or his designee, to execute said amendment to agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 594**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT  
FOR HYDROCHLORIC ACID TO REAGENT CHEMICAL OF APPEGATE,  
CA. FOR AN INITIAL ONE-YEAR PERIOD, WITH THREE (3) ONE-YEAR  
CONTRACT EXTENSION OPTIONS FOR A TOTAL ESTIMATED ANNUAL  
COST OF \$31,625**

WHEREAS, the Public Works Department-Water Quality Control (WQC) has requested the purchase of hydrochloric acid, and

WHEREAS, by Resolution No. 2004-436, the City Council authorized the Purchasing Supervisor to solicit Request for Bids (RFB) for hydrochloric acid, and

WHEREAS, hydrochloric acid (HCL) is used during the river discharge season from October 1<sup>st</sup> through May 31. This product is utilized at the Jennings Road facility for pH adjustment as required in the City's NPDES permit, and

WHEREAS, the Jennings Road facility, located at 7007 Jennings Road, borders the San Joaquin River. The plant was constructed in 1965, and in 2002 the HCL system was installed due to change in NPDES permit requirements, and

WHEREAS, the system includes a 10,000 gallon storage tank and 2-75 gph feed pumps, and

WHEREAS, the hydrochloric acid is delivered by tanker truck with a maximum load capacity of 4,000 gallons per delivery, and

WHEREAS, the City Council has appropriated \$210,149.00 in account number 6210-480-5214-0312 for hydrochloric acid, and

WHEREAS, the Purchasing Division solicited formal bids for hydrochloric acid on RFB 0405-06, and

WHEREAS, out of nine (9) vendors solicited, three (3) responded to the RFB, and

WHEREAS, one of the bids was deemed to be non-responsive because the bidder did not provide two signed original bid documents as required, and

WHEREAS, based on bids received, Reagent Chemical of Applegate, CA. is the lowest responsive and responsible bidder for hydrochloric acid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for hydrochloric acid to Reagent Chemical of Applegate, CA. for an initial one-year period, with three (3) one-year contract extension options, for an estimated annual cost of \$31,625.00.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a contract not to exceed \$31,625 to Reagent Chemical of Applegate, CA. for an initial one-year period, with three (3) one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-595**

**A RESOLUTION APPROVING A GRANT APPLICATION FOR \$10,000 IN FUNDING FROM THE STANISLAUS COUNTY CHILDREN AND FAMILIES COMMISSION (PROPOSITION 10) FOR PLAYGROUND EQUIPMENT AT MANCINI PARK, A PART OF THE TUOLUMNE RIVER REGIONAL PARK, AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN THE GRANT APPLICATION.**

WHEREAS, Parks, Recreation and Neighborhoods Department staff has been notified of the opportunity to apply for Stanislaus County Children and Families Commission (Proposition 10) funding, and

WHEREAS, the intent of this program is to address the health, safety, children developing in emotionally supportive environments, quality child care and school readiness, and

WHEREAS, this program will provide Mini-Grant funds to support community-based activities that support children 0 through 5 years old, and

WHEREAS, staff is recommending submission of an application for construction of a "tot lot" at Mancini Park, which is a part of the Tuolumne River Regional Park, to include installation of ADA accessible play equipment, scaled and designed for children ages 2 to 5 years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the filing of an Application for \$10,000 in Proposition 10 funds from the Stanislaus County Children and Families Commission for construction of a "tot lot" at Mancini Park, which is a part of the Tuolumne River Regional Park.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Acting City Manager or his designee to execute the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-596**

**A RESOLUTION APPROVING ALLOCATION OF \$15,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO COMMUNITY HOUSING AND SHELTER SERVICES TO PROVIDE MOTEL VOUCHERS FOR HOMELESS FAMILIES DURING THE WINTER SEASON, APPROVING \$2000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO INTER-FAITH MINISTRIES FOR THE OPERATION AND PROVISION OF A WINTER SHELTER FOR HOMELESS FAMILIES, AND APPROVING \$43,884 IN EMERGENCY SHELTER GRANT (ESG) FUNDING AND \$23,103 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO THE SALVATION ARMY FOR THE OPERATION AND PROVISION OF A WINTER SHELTER FOR THE HOMELESS, FOR FISCAL YEAR 2004-2005, AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO SIGN AND EXECUTE THE AGREEMENTS.**

WHEREAS, the City of Modesto receives annual entitlements from the Department of Housing and Urban Development (HUD) based on population size, number of households living below poverty level and number of sub-standard housing units; up to fifteen percent of the Community Development Block Grant (CDBG) entitlement amount for the year, plus up to fifteen percent of the previous year's program income, may be programmed for public service activities, as defined in the regulations, and

WHEREAS, for fiscal year 2004-2005, 15% of the CDBG entitlement and program income is \$458,100, 15% of the prior year program income from the Revolving Loan Fund is \$110,000, and ESG entitlement for fiscal year 2004-2005 is \$105,715, and

WHEREAS, on April 6, 2004, the City Council by Resolution 2004-211 approved the allocation of Community Development Block Grant (CDBG) funds of \$308,100 for public services and \$109,443 for services for the homeless, and Emergency Shelter Grant

(ESG) funds of \$61,831, and authorized staff to release a Request for Proposal (RFP) for a Winter Shelter for the remaining \$43,884 of ESG funds, and

WHEREAS, an additional \$40,103 was allocated from the CDBG program income and Revolving Loan Fund program income, providing a total of \$83,987 for the Winter Shelter RFP for fiscal year 2004-2005, and

WHEREAS, staff issued the RFP on September 13, 2004, with a proposal due date of October 8, 2004; in response to the RFP, proposals were received from The Salvation Army, Community Housing and Shelter Services and Inter-Faith Ministries, and

WHEREAS, a proposal review committee, consisting of one Council member, Parks, Recreation and Neighborhoods Department staff, three members of the Citizens Housing and Community Development Committee (CH&CDC), and a representative from the City's Fire Department, evaluated the proposals received and provided funding recommendations to the CH&CDC as follows,

- Community Housing and Shelter Services, Winter Shelter for Homeless 04-05, \$15,000 in CDBG funding to provide motel vouchers for homeless families, for the period of November 1, 2004 through April 30, 2005,
- Inter-Faith Ministries for the Santa Fe Project Winter Shelter for Homeless Families, \$2,000 in CDBG funds. This program has been previously funded with CDBG funds to pay the rent of the units to be utilized by homeless families, and
- The Salvation Army, Emergency Winter Shelter, \$23,103 in CDBG funding and 43,884 in ESG funding to provide for the operational costs of a 100-bed congregate shelter site located at 320 Ninth Street, Modesto. Single (male and female) homeless adults over the age of 18 will be the target population to be served from the period of November 1, 2004 through April 30, 2005,

and

WHEREAS, the reasons for the funding recommendations are:

- Community Housing and Shelter Services is proposing to serve homeless families. The funds will cover five motel rooms and the committee agreed that the vouchers could be used only at the Travelodge Motel on Kansas Avenue,
- Inter-Faith Ministries is proposing to serve only homeless families,
- The Salvation Army is proposing to serve single homeless adults. There is currently one shelter option within the City for single adults, and this will provide additional shelter beds for this population, which is greatly needed;

and

WHEREAS, there is a tremendous need for additional emergency shelter beds in our community; the most recent Continuum of Care Plan for Stanislaus County estimates that the unmet need for emergency shelter beds county-wide is 458 beds for individuals and 340 beds for families with children; at a minimum, half of this need is in the City of Modesto, where most of the County's population resides, and

WHEREAS, the Citizens Housing and Community Development Committee met on October 22, 2004, and accepted the review committee's recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of \$15,000 in Community Development Block Grant (CDBG) funding to Community Housing and Shelter Services to provide motel vouchers for homeless families during the winter season.

BE IT FURTHER RESOLVED that the Council hereby approves the allocation of \$2,000 in Community Development Block Grant (CDBG) funding to Inter-Faith Ministries for the operation and provision of a winter shelter for homeless families.

BE IT FURTHER RESOLVED that the Council hereby approves the allocation \$43,884 in Emergency Shelter Grant (ESG) funding and \$23,103 in Community Development Block Grant (CDBG) funding to The Salvation Army for the operation and provision of a winter shelter for the homeless.

BE IT FURTHER RESOLVED that the Acting City Manager or his authorized designee is hereby authorized to execute the necessary documents with respect to implementation of the allocation of Fiscal Year 2004-2005 CDBG Public Service Grant funding and ESG funding to the Community Housing and Shelter Services, Inter-Faith Ministries, and The Salvation Army.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-597**

**WAS NOT USED**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-598**

**WAS NOT USED**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-599**

**A RESOLUTION APPROVING A GRANT APPLICATION FOR UP TO \$940,000 IN TRANSPORTATION ENHANCEMENT PROJECTS GRANT PROGRAM FUNDING UNDER THE RE-APPROPRIATION OF THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991, NOW REFERRED TO AS THE TRANSPORTATION EQUITY ACT FOR THE 21<sup>ST</sup> CENTURY (TEA-21), ADMINISTERED THROUGH STANISLAUS COUNTY COUNCIL OF GOVERNMENTS AND AVAILABLE THROUGH THE FEDERAL HIGHWAYS ADMINISTRATION AND THE CALIFORNIA TRANSPORTATION COMMISSION, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE APPLICATION.**

WHEREAS, the Federal Government has made funding available through the Federal Highways Administration and the California Transportation Commission to the regionally designated agencies for project selection and programming of the Transportation Equity Act For The 21<sup>st</sup> Century (Tea-21), which provides funds to the State of California for the Transportation Enhancement grants to eligible applicants, and

WHEREAS, the Stanislaus Council of Governments (Stan COG) was designated as the regional agency for the administration of the Transportation Enhancement Program, and

WHEREAS, development of the Virginia Avenue Corridor Trail Project (the "Project") is consistent with the Transportation Enhancement Program under (TEA-21), and

WHEREAS, said procedures established by the California Transportation Commission require the applicant's governing body to certify by resolution the approval of the applicants before submission of said application to the State, and

WHEREAS, the applicant will enter into a contract with the State of California for the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

that the Council hereby:

1. Approves the filing of an application for up to \$940,000 in local assistance funds from the Transportation Enhancements project through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21); and
2. Certifies that the applicant has or will have sufficient funds to operate and maintain the Project; and
3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
4. Authorizes the Acting City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-600**

**A RESOLUTION APPROVING A TWO-YEAR LEASE AGREEMENT  
BETWEEN TOM AND STACY ANNE SAUREY AND THE CITY OF MODEST  
FOR THE LEASE OF PROPERTY LOCATED AT THE SOUTHWEST CORNER  
OF N WASHINGTON STREET AND LAUREL STREET FOR TEMPORARY  
PARKING AND STORAGE AND AUTHORIZING THE ACTING CITY  
MANAGER TO EXECUTE THE LEASE AGREEMENT.**

WHEREAS, a majority of the funding for a new Bus Maintenance Facility at the Corporation Yard has been received, and

WHEREAS, demolition to remove existing structures in support of the Bus Maintenance Facility project was completed in September of 2004, and

WHEREAS, construction for the Bus Maintenance Facility project is anticipated to begin in spring of 2005, and

WHEREAS, during the construction phase of the Bus Maintenance Facility project existing City equipment and employee parking will be displaced, and

WHEREAS, staff has negotiated with the owner of property located at the southwest corner of N Washington Street and Laurel Street (the "property") for a temporary lease of said property to be used to support parking and temporary storage needs associated with the Bus Maintenance Facility project, and

WHEREAS, the property is located within close proximity to the Corporation Yard and the Bus Maintenance Facility, and

WHEREAS, the property is located in the Downtown Improvement District where temporary parking is permitted, and

WHEREAS, the property has been used for parking in the past, and

WHEREAS, the property owners, Tom and Stacy Anne Saurey, are willing to lease the property to the City for \$700 per month plus an initial \$700 security deposit, and

WHEREAS, the proposed lease is for a period of two years commencing on December 1, 2004,

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Lease Agreement between Tom and Stacy Anne Saurey and the City of Modesto for temporary parking and storage on property located at the Southwest Corner of Washington and Laurel Streets for a period of two years commencing on December 1, 2004.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Lease Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-601**

**A RESOLUTION APPROVING AN AGREEMENT IN THE AMOUNT OF \$200,000 WITH KAISER FOUNDATION HOSPITALS FOR PARTIAL FUNDING OF A FULL-TIME, LIMITED TERM PROJECT MANAGER TO ACT AS A LIAISON BETWEEN THE CITY AND KAISER AND OVERSEE DEVELOPMENT OF THE KAISER FACILITY PROJECT AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN THE AGREEMENT.**

WHEREAS, Council approved development of a state-of-the-art Kaiser Medical Center (the "Project") campus to be located at the southeast corner of Dale Road and the future Healthcare Way, and

WHEREAS, the Project will be constructed in phases and includes installation of substantial on-site and off-site public infrastructure to both serve the Project and to mitigate impacts of the Project, and

WHEREAS, construction for the Project will require significant oversight and coordination between Kaiser, the City and other public agencies in order to ensure timely completion of initial project phases, and

WHEREAS, the City and Kaiser have agreed to jointly fund a full-time, limited term project manager to serve as a liaison between the City and Kaiser, and

WHEREAS, this project manager would provide oversight and construction management for the public infrastructure associated with the Project, as well as assist in obtaining permits and approvals from other agencies, and

WHEREAS, Kaiser agrees to pay \$200,000 to fund the project manager position, which represents sixty percent (60%) of the salary, benefits and associated costs for a Senior Civil Engineer for a term of three (3) years, and

WHEREAS, Kaiser's share of these costs will be paid up front (within 10 days of agreement execution), and

WHEREAS, the remaining funding for the position (\$80,000) will be provided by Capital Facility Fees associated with infrastructure improvements needed for construction of the project, and

WHEREAS, the City has the option to terminate the agreement on July 1 of any fiscal year during which the agreement is in effect, should the City determine insufficient funds are available to continue the City's support for the proposed position, and

WHEREAS, the Finance Committee considered the limited term position at its September 27, 2004 meeting and recommended approval to the Council,

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Agreement between Kaiser and the City of Modesto in the amount of \$200,000 for partially funding a full-time, limited term Project Manager for a period of three years commencing on November 19, 2004.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-602**

**RESOLUTION INCREASING THE DIRECTOR OF PUBLIC WORKS'  
AUTHORITY TO ISSUE CHANGE ORDERS ON THE "USTACH  
NEIGHBORHOOD PARK" PROJECT FROM 8 PERCENT (\$83,112.00) TO 8.5  
PERCENT (\$88,306.50) OF THE ORIGINAL CONTRACT PRICE WITH  
GOODLAND LANDSCAPE COMPANY, INC.**

WHEREAS, on June 24, 2003, the City Council awarded a \$1,038,900 contract to Goodland Landscape Company, Inc., to construct the "Ustach Neighborhood Park" project, and

WHEREAS, the contractor started work on August 25, 2003, and

WHEREAS, during the course of construction the Contractor was required to perform extra work not anticipated or included in the original contract, and

WHEREAS, the cost of the extra work is estimated to be as high as \$88,306.50, an amount which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 8 percent of the original contract price, which amounts to \$83,112.00 on a project this size,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Director of Public Works' authority to issue change orders from 8 percent (\$83,112.00) to 8.5 percent (\$88,306.50) for the project entitled "Ustach Neighborhood Park."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-603**

**A RESOLUTION INCREASING THE DIRECTOR OF PUBLIC WORKS'  
AUTHORITY TO ISSUE CHANGE ORDERS ON THE "CENTRE PLAZA  
ELEVATOR EXTENSION" PROJECT FROM \$41,000 TO \$45,000.**

WHEREAS, on February 24, 2004, the City Council awarded a \$232,900 contract to TCB Industrial, Inc., to construct the "Centre Plaza Elevator Extension" project, and

WHEREAS, the contractor started work on March 29, 2004, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of a useable elevator that conforms to code requirements, and

WHEREAS, the cost of the extra work was estimated to be as high as \$41,000, an amount which exceeded the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Council by Resolution No. 2004-445 increased the Director of Public Works' authority to approve change orders up to a cumulative amount of \$41,000, and

WHEREAS, additional work needed to be performed that was not included in the previous estimate for the project, and

WHEREAS, the total cost of the extra work is estimated to be as high as \$45,000, which will exceed the previously approved Director's Authority increase to \$41,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director's authority level to issue change orders from \$41,000 to \$45,000 for the project entitled "Centre Plaza Elevator Extension."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar, Hawn

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-604**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN THE MIRA LOMA  
SUBDIVISION AND AUTHORIZING THE CITY CLERK TO RECORD A  
NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, RIDGE SUTTER, a married man as his sole and separate property,  
is the subdivider of MIRA LOMA SUDIVISION (“SUBDIVISION”), and

WHEREAS, RIDGE SUTTER, has filed irrevocable subdivision bonds to secure  
faithful performance and payment for labor and materials in the amounts of \$309,350.00  
and \$154,675.00, respectively, and

WHEREAS, RIDGE SUTTER, has filed a warranty letter of credit in the amount  
of \$30,935.00 to guarantee improvements in the Mira Loma Subdivision, and

WHEREAS, the City Engineer, in a memorandum to Council, indicates that all  
work required by the Subdivision Agreement has been completed to the satisfaction of  
the Public Works Department, and

WHEREAS, the City Engineer has indicated that it would be in order for the City  
Council to accept the improvements in said subdivision as complete, and authorize the  
City Clerk to file a Notice of Completion and release the bonds upon expiration of the  
statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that:

1. The improvements in the Mira Loma Subdivision are hereby accepted and the  
City Clerk is hereby authorized to record a Notice of Completion for the  
improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$309,350.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$154,675.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty letter of credit to guarantee improvements in the amount of \$30,935.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Alison Barratt-Green  
ALISON BARRATT-GREEN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-605**

**A RESOLUTION APPROVING THE EXPENDITURE OF THE STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND GRANT MONIES ALLOCATED TO THE CITY OF MODESTO IN THE 2004/2005 FISCAL YEAR**

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the legislation has continued to be funded each subsequent year at \$100 million, statewide, from sales and use taxes, for exclusive funding of municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the purpose of the law is to ensure public safety, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for fiscal year 2004/2005 is \$302,843, and

WHEREAS, the program requires a public hearing by local governmental Chiefs of Police or Sheriffs regarding spending plans, and

WHEREAS, these funds must be held in an interest-bearing Supplemental Law Enforcement Services Fund and must not be used to supplant existing budget funds, and

WHEREAS, the Modesto Police Department plans to budget these funds for overtime in patrol operations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, after holding a public hearing, that it hereby approves the Chief of Police's spending plan for the 2004/2005 State Supplemental Law Enforcement Services Fund allocation of \$302,843 for overtime in patrol operations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-605A**

**A RESOLUTION AMENDING THE 2004/2005 FISCAL YEAR BUDGET,  
TO APPROPRIATE REVENUES AND EXPENSES FOR THE STATE OF  
CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND  
GRANT**

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the legislation has continued to be funded each subsequent year at \$100 million, statewide, from sales and use taxes, for exclusive funding of municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the purpose of the law is to ensure public safety, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for fiscal year 2004/2005 is \$302,843, and

WHEREAS, the Modesto Police Department plans to budget these funds for overtime in patrol operations, and

WHEREAS, the adopted 2004/2005 Police Overtime budget is \$2,288,914 and it will be increased to \$2,591,757 with these funds,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto, after holding a public hearing, that it amends the 2004/2005

budget to appropriate revenues and expenses to move all SLESF functions from Fund 0400 to the General Fund except overtime and to use the 2004 SLESF revenues for overtime only.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunbar

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-606**

**A RESOLUTION APPROVING A REFUND TO HABITAT FOR HUMANITY, STANISLAUS, FOR CAPITAL FACILITIES FEES (CFF) PAID ON PROPERTIES LOCATED AT 1308, 1312 AND 1320 DAN WEST COURT, MODESTO, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE CFF REFUND AGREEMENTS WITH HABITAT FOR HUMANITY, STANISLAUS, AND TO EXECUTE A CFF EXEMPTION AGREEMENT WITH EACH OF THE THREE OWNERS OF THESE PROPERTIES.**

WHEREAS, On September 21, 2004, Anita Hellam, Executive Director of the Habitat for Humanity, Stanislaus, local chapter, submitted a letter requesting a refund for \$11,457 in Capital Facilities Fees (CFF) fees already paid on three properties on Dan West Court located in the Modesto City Limits, and

WHEREAS, Habitat for Humanity (Habitat) is a non-profit organization created in 1976; through volunteer labor and donations of money and materials, Habitat for Humanity builds and rehabilitates simple, decent houses with the help of the homeowner (partner) families, and

WHEREAS, Habitat for Humanity's houses are sold to partner families at no profit, financed with affordable, no-interest loans; the loan payments are based on what is affordable to the families; the homeowners' monthly mortgage payments are used to build more houses by Habitat for Humanity; and, in essence, Habitat for Humanity creates affordable houses for low-income households, and

WHEREAS, Habitat for Humanity completed two of the three homes on Dan West Court in 1998 and the third home in 2000, but Habitat is requesting the refunds at this time, after completing all the paperwork on this project, and

WHEREAS, in 1997, by Resolution 97-148, the City Council approved Habitat's request for the deferral of Capital Facilities Fees at the time the building permits were issued; however, Habitat did not complete the paperwork for the CFF exemption to transfer to the low-income buyers upon completion of the homes, and therefore, Habitat had to pay \$3,819 per home to obtain the occupancy permits for the completed homes, and

WHEREAS, under the current CFF policy, the homeowners at 1308, 1312 and 1320 Dan West Court are eligible for CFF exemptions based on household income level and family size, the income is based on the household income at the time the families moved into the completed homes, and the CFF exemption will be based on ten years of residency from the date of move in, and

WHEREAS, City development fees as determined by the City, in its Housing Element and Consolidated Plan, often serve as barriers to quality housing for working families; the City is interested in further housing opportunities to all segments of our community and has adopted an exemption and deferral policy for housing units dedicated to low-income households; and, the creation of affordable housing has been established as a high priority by the Department of Housing and Urban Development, and

WHEREAS, although Habitat for Humanity is aware that they should have completed the paperwork for the exemption of the fees prior to the completion of the homes, they have now completed the required documentation to have the fees assumed by the eligible households, and

WHEREAS, there is a need for the creation of affordable housing in the Modesto community, and the refund will be done in an effort to assist Habitat for Humanity and

their partner families; the partner families will receive credits toward their existing mortgage loans with Habitat for Humanity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a refund to Habitat for Humanity, Stanislaus, for \$11,457 paid for Capital Facilities Fees (CFF) on properties located at 1308, 1312 and 1320 Dan West Court, Modesto.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute CFF refund agreements with Habitat for Humanity, Stanislaus.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute a CFF exemption agreement with each of the three owners of properties located at 1308, 1312 and 1320 Dan West Court, Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: Jean Fahr  
JEAN FAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-607**

**A RESOLUTION ACCEPTING STAFF'S REPORT ON WASTE  
MANAGEMENT'S PERFORMANCE DURING THE PERIOD DECEMBER 2003  
THROUGH SEPTEMBER 30, 2004 GRANTING A ONE (1) YEAR EXTENSION  
OF THE INTERIM SERVICE AGREEMENT THROUGH JANUARY 1, 2006,  
AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE  
AGREEMENT.**

WHEREAS, on November 1, 1997, the City executed a Service Agreement with Modesto Garbage Company, Inc., D.B.A. Modesto Disposal Service, which was then a subsidiary of USA Waste of California, which later acquired Waste Management and changed the name of the corporate parent to Waste Management, for a term through January 1, 2007, and

WHEREAS, while the term of this Service Agreement with Waste Management was for 10 years, due to concerns about the corporation's problems in other cities, the City Council added a provision to the Service Agreement to allow the City to terminate the agreement on January 1, 2004, if the City found the company did not meet certain performance standards to the satisfaction of the City, and

WHEREAS, pursuant to Modesto Municipal Code Section 5-5.33, the City Council held a public hearing, on Thursday, November 13th, 2003, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which hearing the Council heard a report from City staff detailing that over a 3 year period, the company had violated multiple provisions of Section b.1. of their Service Agreement, and

WHEREAS, at said hearing, having considered evidence presented by staff as well as testimony from the Company and members of the public, the Council terminated the Service Agreement with Waste Management (D.B.A. Modesto Disposal Service)

effective January 1, 2004, authorized the City Manager to execute a one (1) year Interim Agreement with Waste Management allowing them to continue providing service through January, 2005, authorized the City Manager to extend the Interim Agreement for a total of two, one (1) year extensions if the company fully complies with the service requirements of the City, and required Waste Management to compensate the City for staff time expended in the resolution of customer service complaints, and

WHEREAS, the Interim Agreement required the City to review Waste Management's performance after 9 months to determine whether the company was making progress in complying with the terms and conditions of the Agreement, and

WHEREAS, staff has conducted this 9 month review, and believes that the performance improvements reflected by the service logs and the improved operations at Waste Management's transfer station warrant a one (1) year extension of the Interim Agreement, and

WHEREAS, staff presented a recommendation to the Economic Development Committee at its October 11, 2004 meeting, that the Acting City Manager be authorized to execute a one (1) year extension of the Interim Agreement, through January 1, 2006, and that the City conduct a second performance review in July, 2005, and return to the Council with a recommendation on whether or not the City should give the company a second, one (1) year extension through January 1, 2007, and either go out to bid at the end of the additional year, allocate Waste Management's Service Area to the other collection companies, or enter into negotiations with Waste Management on a new, longer term contract, and

WHEREAS, the Economic Development Committee voted 2:1 to approve this recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council hereby:

1. Authorizes the Acting City Manager to execute a one (1) year extension of the Interim Agreement, through January 1, 2006,
2. Directs staff to conduct a second 9 month performance review in July, 2005, and return to the Council with a recommendation on whether or not the City should give the company a second, one (1) year extension, through January 1, 2007, and either go out to bid at the end of the additional year, allocate Waste Management's Service Area to the other collection companies, or enter into negotiations with Waste Management on a new, longer term contract.

The foregoing resolution was introduced at a public hearing of the Council of the City of Modesto held on the 9th day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunar

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 608**

**A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO TAKE ALL APPROPRIATE ACTIONS TO COMPLETE THE SALE OF APPROXIMATELY 17,000 SQUARE FEET OF APN 033-22-16 LOCATED AT DRY CREEK AND SCENIC AVENUE; AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS RELATED TO THE PROPERTY SALE**

WHEREAS, the City of Modesto acquired APN 033-22-16 located at Dry Creek and Scenic Avenue in 1973, and it is now part of Dry Creek Regional Park, and

WHEREAS, approximately 17,000 square feet of APN 033-22-16 lies on the north bank of Dry Creek and is landlocked by the adjacent properties, and

WHEREAS, the adjacent property identified as APN 033-22-06 is owned by Joyce A. Fischer, Dale M. Clemens and Wanda Clemens, and

WHEREAS, the adjacent property identified as APN 033-22-07 is owned by Andrew B. Katakis, and

WHEREAS, the adjacent property owners have requested that they be allowed to acquire the property adjacent to their own and extend their lots to the creek, and

WHEREAS, if the City retains this property, it will need to be maintained by the City at City expense, and

WHEREAS, this item was approved by the Economic Development Committee on October 11, 2004, and

WHEREAS, upon Council approval staff will sell said property to the adjacent property owners and to return all proceeds from said parcel sale to the City's Parks, Recreation & Neighborhoods revenue account number 0100-310-3120-8101R,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to take all appropriate actions to complete the sale of the approximately 17,000 square feet of property located at Dry Creek and Scenic Avenue to the property owners of

APN 033-22-06 and APN 033-22-07.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute all required documents related to said property sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 609**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005  
ANNUAL BUDGET**

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in **Schedule A**.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**REQUEST FOR BUDGET ADJUSTMENT**

*11/23/04*

Contact Person: Lori Palacio  
 Telephone No.: 15598  
 Department: IT

Council Action Date: na  
 Resolution Number: \_\_\_\_\_

Fund Title: \_\_\_\_\_

FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
0100-070-0704-0235	<i>0704C</i>	<i>25,293</i> <del>\$25,923</del>	(\$12,800)	<del>\$13,123</del>	<i>12,493</i>
0100-070-0704-0255	<i>11</i>	\$22,500	(\$20,000)	\$2,500	
0100-070-0704-5400	<i>11</i>	\$5,000	(\$4,000)	\$1,000	
Total			(\$36,800)	\$16,623	
<u>TO</u>					
0320-070-0703-0227	<i>0703C</i>		\$26,800	\$26,800	Media Productions
0100-070-0703-xxxx	<i>4</i>		\$10,000	\$10,000	Local Cable Committee (new obj)
Total	<i>0222</i>		\$36,800	\$36,800	

**TRANSFERS:**

0320-700-7000-9010		<i>128,000</i>	\$26,800	<del>\$26,800</del>	<i>154,800</i>
0100-700-7000-7032	<i>0100G</i>	<i>128,000</i>	\$26,800	\$26,800	<i>154,800</i>

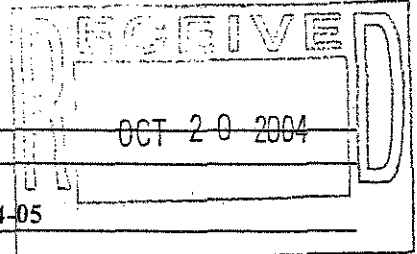
**COMMENTS/JUSTIFICATION**

All appropriated City of Modesto Media productions such as parades, Mo-Band and International festivals will be moved from the Public Access budget 0100-070-0704 to the Education and Government 0320-070-0703.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

*11/20/04 G.C. RT 020*

# REQUEST FOR BUDGET ADJUSTMENT



Contact Person: Carolyn Eubank  
 Telephone No.: 577-5349  
 Department: Parks, Recreation and Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Tuolumne River Regional Park

FY: 04-05

Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<b>DEPARTMENTAL REVENUES</b>					
<b>FROM</b>					
8900-390-3912-4095		\$1,500	-\$1,200	\$300	Misc Special Services
8900-390-3912-6209		\$9,000	-\$5,600	\$3,400	Ballfield Rental
8900-390-3912-6220		\$15,000	-\$6,700	\$8,300	Picnic Area
			(\$13,500)	(\$13,500)	
<b>TO</b>					
8900-390-3912-6101		\$8,000	\$5,000	\$13,000	Interest
8900-390-3912-6225		\$64,000	\$6,000	\$70,000	City Building
8900-390-3912-3701		\$305,746	\$1,095	\$306,841	TRRP Apportionment
			\$12,095	\$12,095	

**APPROPRIATIONS**

<b>FROM</b>					
8900-800-8000-8003	8900R		(\$55,250)	(55,250)	TRRP Fund Reserve
8900-390-3912-0205	3912C	\$2,040	-\$40	\$2,000	Printing & Binding
8900-390-3912-0208		\$2,040	-\$40	\$2,000	Business Expenses
8900-390-3912-0210		\$40,800	-\$800	\$40,000	Utilities
8900-390-3912-0216		\$6,630	-\$1,630	\$5,000	Equipment Rental
8900-390-3912-0223		\$1,020	-\$20	\$1,000	Repair & Maintenance
8900-390-3912-0240	3912B	\$39,590	-\$20	\$39,570	Intergovernmental
8900-390-3912-0301		\$510	-\$10	\$500	Office Supplies
8900-390-3912-0304		\$2,040	-\$40	\$2,000	Custodial & Institutional
8900-390-3912-0308		\$7,931	-\$931	\$7,000	Tools, shop & field
8900-390-3912-0310		\$8,976	-\$148	\$8,828	Gardening/Horticultural
8900-390-3912-0360		\$21,445	-\$6,445	\$15,000	Maintenance & repair Supplies
			(\$65,374)	(\$65,374)	
<b>TO</b>					
8900-390-3912-0235		\$33,574	\$15,333	\$48,907	Services, Professional & Other
8900-390-3912-0240	3912B	39,570	\$2,086	41,656	Intergovernmental
8900-390-3912-0255		133,722	\$1,550	135,272	Services City Forces
8900-390-3912-0412	3912C		\$5,000	\$5,000	Other Insurance
8900-390-3912-5000	add		\$40,000	\$40,000	Capital, Non-CIP
			\$63,969	\$63,969	

**COMMENTS/JUSTIFICATION**

Due to the uncertainty about contributions to the TRRP Fund by the TRRP agencies, staff was unable to enter correct data into the BRASS system in time for Council approval; therefore the numbers are also incorrect in the AFIN system. Final-funding for the Tuolumne River Regional Park operating budget was approved by the JPA in April, which was after data entry into the BRASS system was closed. Adjustments were made to the budget to reflect decreases in revenues, primarily from apportionment contributions. This budget action will align the budget adopted by the JPA with the City's accounting system.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)	<i>J. H. Eubank</i>	10/19/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)	J.H.	
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)	BT-021 J.H.	12-01-04

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lori Palacio  
 Telephone No.: 15598  
 Department: IT

Council Action Date: na  
 Resolution Number: \_\_\_\_\_

Fund Title: \_\_\_\_\_

FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
0100-070-0704-0235		\$25,923	(\$12,800)	\$13,123	
0100-070-0704-0255		\$22,500	(\$20,000)	\$2,500	
0100-070-0704-5400		\$5,000	(\$4,000)	\$1,000	
Total			(\$36,800)	\$16,623	
<u>TO</u>					
0320-070-0703-0227			\$26,800	\$26,800	Media Productions
0100-070-0703-xxxx			\$10,000	\$10,000	Local Cable Committee (new obj)
Total			\$36,800	\$36,800	

**TRANSFERS:**

0320-700-7000-9010			\$26,800	\$26,800	
0100-700-7000-7032			\$26,800	\$26,800	

**COMMENTS/JUSTIFICATION**

All appropriated City of Modesto Media productions such as parades, Mo-Band and International festivals will be moved from the Public Access budget 0100-070-0704 to the Education and Government 0320-070-0703.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds). (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130      FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

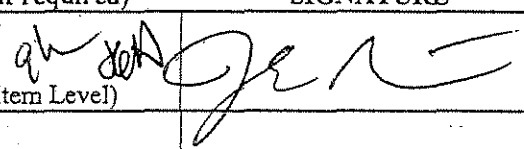
1130-320-3213- 3513	na	101,912	-100,000	1,912	CDBG Entitlement
1130-320-3213- 6310	na	0	100,000	100,000	Direct Loan Principal - Prog Income
		<b>101,912</b>	<b>0</b>	<b>101,912</b>	<b>Grand Total</b>

**APPROPRIATIONS**

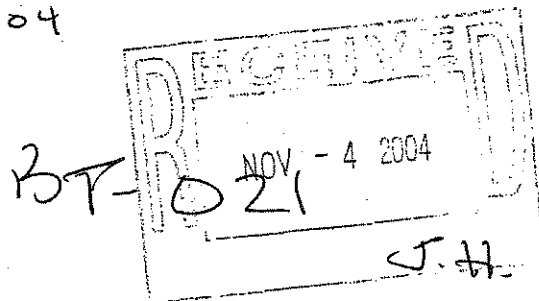
1130-320-3213- 6010	3250C	16,912	0	16,912	Engineering/Design/Admin
1130-320-3213- 6040	3250C	65,000	0	65,000	Construction
1130-320-3213- 6050	3250C	10,000	0	10,000	Contingency
1130-320-3213- 6060	3250C	10,000	0	10,000	Construction Admin
		<b>101,912</b>	<b>0</b>	<b>101,912</b>	<b>Total</b>
		<b>101,912</b>	<b>0</b>	<b>101,912</b>	<b>Grand Total</b>

**COMMENTS/JUSTIFICATION**

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/07
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

12-01-04



## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

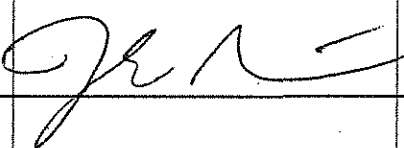
1130-320-3222- 3513	na	130,000	-100,000	30,000	CDBG Entitlement
1130-320-3222- 6310	na	0	100,000	100,000	Direct Loan Principal - Prog Income
		130,000	0	130,000	Grand Total

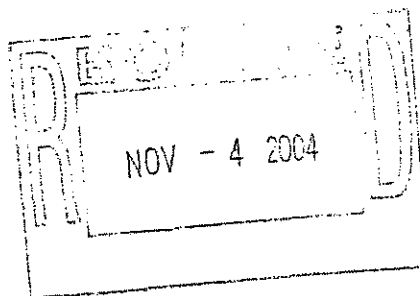
### APPROPRIATIONS

1130-320-3222- 6010	3250C	19,500	0	19,500	Engineering/Design/Admin
1130-320-3222- 6040	3250C	84,500	0	84,500	Construction
1130-320-3222- 6050	3250C	13,000	0	13,000	Contingency
1130-320-3222- 6060	3250C	13,000	0	13,000	Construction Admin
		130,000	0	130,000	Total
		130,000	0	130,000	Grand Total

### COMMENTS/JUSTIFICATION

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/07
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		



## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130      FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

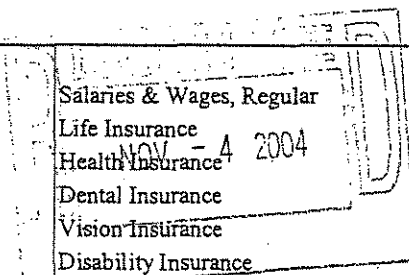
Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

1130-320-3252- 3513	na	565,071	68,601	633,672	CDBG Entitlement
1130-320-3252- 4909	na	111,846	-26,927	84,919	Interfund Labor Charges -GF
1130-320-3252- 8155	na	464	-464	0	Miscellaneous Revenue
		<b>677,381</b>	<b>41,210</b>	<b>718,591</b>	<b>Grand Total</b>

**APPROPRIATIONS**

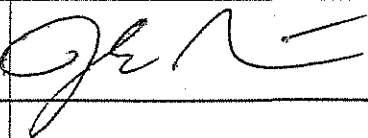
1130-320-3252- 0110	3250A	280,169	0	280,169	Salaries & Wages, Regular
1130-320-3252- 0150	3250A	1,296	0	1,296	Life Insurance
1130-320-3252- 0151	3250A	27,264	0	27,264	Health Insurance
1130-320-3252- 0152	3250A	4,128	0	4,128	Dental Insurance
1130-320-3252- 0153	3250A	1,104	0	1,104	Vision Insurance
1130-320-3252- 0154	3250A	1,882	0	1,882	Disability Insurance
1130-320-3252- 0155	3250A	3,903	0	3,903	Medicare
1130-320-3252- 0160	3250A	28,920	0	28,920	Public Emp Retirement System
1130-320-3252- 0161	3250A	6,893	0	6,893	Deferred Compensation
1130-320-3252- 0162	3250A	14,241	0	14,241	Worker's Compensation
1130-320-3252- 0163	3250A	1,071	0	1,071	Annual Physical Examination
1130-320-3252- 0164	3250A	1,349	0	1,349	Unemployment Insurance
1130-320-3252- 0166	3250A	93	0	93	Employee Assistance
1130-320-3252- 0167	3250A	708	0	708	Employee Benefits
1130-320-3252- 0168	3250A	10,474	0	10,474	Employee Leave Reimbursement
1130-320-3252- 0181	3250A	0	10,000	10,000	Salary Adjustment
1130-320-3252- 0191	3250A	0	2,577	2,577	Benefits Adjustment
1130-320-3252- 0140	3250A	31,824	-10,824	21,000	Salary & Wages, Part-time
1130-320-3252- 0189	3250A		1,890	1,890	Employee Benefits- Part Time
		<b>415,319</b>	<b>3,643</b>	<b>418,962</b>	<b>Total</b>
1130-320-3252- 9991	3250AA	-127,469	0	-127,469	Service Credit - Intrafund
		<b>-127,469</b>	<b>0</b>	<b>-127,469</b>	<b>Total</b>
1130-320-3252- 0228	3250B	368	0	368	Stores Services - Inside
1130-320-3252- 0250	3250B	10,306	0	10,306	Building Services - City Forces
1130-320-3252- 0251	3250B	83,648	0	83,648	Allocated Indirect Admin Costs
1130-320-3252- 0252	3250B	1,974	0	1,974	Tech & Info Infrastructure
1130-320-3252- 0253	3250B	2,008	0	2,008	Tech & Info Replacement
1130-320-3252- 0254	3250B	2,301	0	2,301	Tech & Info Operations
1130-320-3252- 0256	3250B	3,863	0	3,863	Tech & Info Phones
1130-320-3252- 0413	3250B	11,972	0	11,972	Property Insurance
1130-320-3252- 0415	3250B	5,121	0	5,121	Liability Insurance
		<b>121,561</b>	<b>0</b>	<b>121,561</b>	<b>Total</b>



Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
1130-320-3252- 0201	3250C	0	0	0	Postage
1130-320-3252- 0202	3250C	1,448	0	1,448	ISF Mail Services
1130-320-3252- 0204	3250C	409	0	409	ISF Copier Charges
1130-320-3252- 0205	3250C	2,550	-50	2,500	Printing and Binding
1130-320-3252- 0206	3250C	0	0	0	Marketing Services
1130-320-3252- 0207	3250C	7,140	-140	7,000	Conference Expenses
1130-320-3252- 0208	3250C	9,720	-3,720	6,000	Business Expenses
1130-320-3252- 0209	3250C	4,080	-2,080	2,000	Training Expenses
1130-320-3252- 0210	3250C	0	0	0	Utilities
1130-320-3252- 0215	3250C	32,740	0	32,740	Rental of Real Property
1130-320-3252- 0216	3250C	0	0	0	Equipment Rental
1130-320-3252- 0217	3250C	1,145	0	1,145	Photocopy- Rent, Service, Supply
1130-320-3252- 0218	3250C	4,318	0	4,318	Equipment Pool Rental
1130-320-3252- 0220	3250C	0	0	0	Copier MTC & Supplies - Cent Svc
1130-320-3252- 0223	3250C	0	0	0	Repair & Maint - Outside Forces
1130-320-3252- 0230	3250C	1,530	-530	1,000	Advertising
1130-320-3252- 0235	3250C	24,036	30,964	55,000	Services, Professional & Other
1130-320-3252- 0245	3250C	0	0	0	Delivery Services
1130-320-3252- 0255	3250C	104,174	12,870	117,044	Services City Forces
1130-320-3252- 0259	3250C	29,155	2,778	31,933	Services City Forces - Intrafund
1130-320-3252- 0260	3250C	0	0	0	Miscellaneous Services
1130-320-3252- 0301	3250C	4,080	920	5,000	Office Supplies
1130-320-3252- 0302	3250C	510	-10	500	Books and Periodicals
1130-320-3252- 0306	3250C	0	500	500	PC Software
1130-320-3252- 0308	3250C	0	500	500	Tools, Shop and Field Supplies
1130-320-3252- 0350	3250C	5,100	-5,100	0	Computer Equipment <\$5,000
1130-320-3252- 0370	3250C	0	0	0	Miscellaneous Supplies
1130-320-3252- 0401	3250C	510	990	1,500	Memberships and Dues
1130-320-3252- 0428	3250C	0	0	0	Miscellaneous Unclassified
1130-320-3252- 0496	3250C	0	0	0	CDBG - Direct Grants
1130-320-3252- 0498	3250C	35,000	0	35,000	Fair Housing Svc (Project Sentinel)
		267,645	37,892	305,537	Total
		677,056	41,535	718,591	Grand Total

**COMMENTS/JUSTIFICATION**

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130      FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

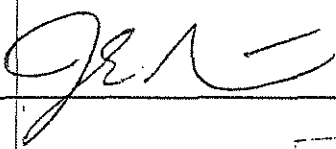
1130-320-3254- 3513	na	1,423,074	60,636	1,483,710	CDBG Entitlement
1130-320-3254- <del>6310</del>	na	200,000	-200,000	0	Direct Loan Principal - Prog Income
		<b>1,623,074</b>	<b>-139,364</b>	<b>1,483,710</b>	<b>Grand Total</b>

### APPROPRIATIONS

1130-320-3254- 0191	3250A	2,990	-2,990	0	Benefits Adjustment
		<b>2,990</b>	<b>-2,990</b>	<b>0</b>	<b>Total</b>
1130-320-3254- 0218	3250C	18,786	0	18,786	Equipment Pool Rental
1130-320-3254- 0235	3250C	3,060	-60	3,000	Svcs, Prof & Other (CRF for DPAP)
1130-320-3254- 0255	3250C	256,076	0	256,076	Services City Forces
1130-320-3254- 0260	3250C	192,489	-186,741	5,748	Miscellaneous Services
1130-320-3254- 0318	3250C	30,600	-12,600	18,000	Target Area Cleanup
1130-320-3254- 0436	3250C	0	0	0	Uncollectable Accounts Exp
1130-320-3254- 0452	3250C	0	361,000	361,000	Interest Expense (Section 108 Loan)
1130-320-3254- 0494	3250C	2,000	1,000	3,000	First Time Home Buyer
1130-320-3254- 0496	3250C	537,073	-78,973	458,100	CDBG - Direct Grants (Public Svcs)
1130-320-3254- 0497	3250C	420,000	-120,000	300,000	Direct Loans (DAAP)
1130-320-3254- 0500	3250C	50,000	-30,000	20,000	Comm Based Develop Org Grants
1130-320-3254- 0501	3250C	20,000	-10,000	10,000	Alley Closures
1130-320-3254- 0505	3250C	40,000	-10,000	30,000	Neighborhood Projects
1130-320-3254- 0506	3250C	50,000	-50,000	0	King Kennedy Center Expansion (02-03)
		<b>1,620,084</b>	<b>-136,374</b>	<b>1,483,710</b>	<b>Total</b>
		<b>1,623,074</b>	<b>-139,364</b>	<b>1,483,710</b>	<b>Grand Total</b>

### COMMENTS/JUSTIFICATION

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		NOV - 4 2004

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Aprpr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

1130-320-3256- 3513	na	865,855	-161,149	704,706	CDBG Entitlement
1130-320-3256- 4909	na	11,476	-9,382	2,094	Interfund Labor Charges -GF
		<b>877,331</b>	<b>-170,531</b>	<b>706,800</b>	<b>Grand Total</b>

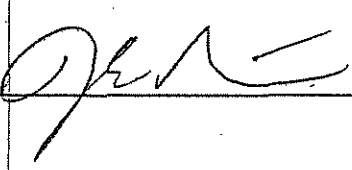
### APPROPRIATIONS

1130-320-3256- 0110	3250A	331,384	0	331,384	Salaries & Wages, Regular
1130-320-3256- 0150	3250A	936	0	936	Life Insurance
1130-320-3256- 0151	3250A	23,299	0	23,299	Health Insurance
1130-320-3256- 0152	3250A	4,212	0	4,212	Dental Insurance
1130-320-3256- 0153	3250A	1,188	0	1,188	Vision Insurance
1130-320-3256- 0154	3250A	2,237	0	2,237	Disability Insurance
1130-320-3256- 0155	3250A	3,893	0	3,893	Medicare
1130-320-3256- 0160	3250A	34,210	0	34,210	Public-Employee Retirement System
1130-320-3256- 0161	3250A	9,945	0	9,945	Deferred Compensation
1130-320-3256- 0162	3250A	4,049	0	4,049	Workers Compensation
1130-320-3256- 0163	3250A	714	0	714	Annual Physical Examination
1130-320-3256- 0164	3250A	360	0	360	Unemployment Insurance
1130-320-3256- 0166	3250A	225	0	225	Employee Assistance
1130-320-3256- 0167	3250A	1,651	0	1,651	Employee Benefits
1130-320-3256- 0168	3250A	13,132	0	13,132	Employee Leave Reimbursement
1130-320-3256- 0140	3250A	5,304	-5,304	0	Salary & Wages, Part-time
1130-320-3256- 0189	3250A	0	0	0	Employee Benefits- Part Time
1130-320-3256- 0181	3250A-add	0	-64,908	-64,908	Salary Adjustment
1130-320-3256- 0191	3250A	0	-13,806	-13,806	Benefits Adjustment
		<b>436,739</b>	<b>-84,018</b>	<b>352,721</b>	<b>Total</b>
1130-320-3256- 9991	3250A	-16,285	-15,648	-31,933	Service Credit - Intrafund
		<b>-16,285</b>	<b>-15,648</b>	<b>-31,933</b>	<b>Total</b>
1130-320-3256- 0228	3250B	326	0	326	Stores Services - Inside
1130-320-3256- 0250	3250B	8,932	0	8,932	Building Services - City Forces
1130-320-3256- 0251	3250B	41,200	0	41,200	Allocated Indirect Admin Costs
1130-320-3256- 0252	3250B	2,959	0	2,959	Tech & Info Infrastructure
1130-320-3256- 0253	3250B	3,013	0	3,013	Tech & Info Replacement
1130-320-3256- 0254	3250B	3,451	0	3,451	Tech & Info Operations
1130-320-3256- 0256	3250B	5,795	0	5,795	Tech & Info Phones
1130-320-3256- 0415	3250B	5,840	0	5,840	Liability Insurance
		<b>71,516</b>	<b>0</b>	<b>71,516</b>	<b>Total</b>

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
1130-320-3256- 0202	3250C	2,699	0	2,699	ISF Mail Services
1130-320-3256- 0204	3250C	138	0	138	ISF Copier Charges
1130-320-3256- 0205	3250C	2,040	-1,040	1,000	Printing and Binding
1130-320-3256- 0207	3250C	2,142	-42	2,100	Conference Expenses
1130-320-3256- 0208	3250C	1,224	-224	1,000	Business Expenses
1130-320-3256- 0209	3250C	4,284	-284	4,000	Training Expenses
1130-320-3256- 0210	3250C	2,040	-40	2,000	Utilities
1130-320-3256- 0215	3250C	16,126	0	16,126	Rental of Real Property
1130-320-3256- 0217	3250C	1,097	0	1,097	Photocopy- Rent, Service, Supply
1130-320-3256- 0218	3250C	11,629	0	11,629	Equipment Pool Rental
1130-320-3256- 0230	3250C	1,530	270	1,800	Advertising
1130-320-3256- 0235	3250C	30,600	9,351	39,951	Services, Professional & Other
1130-320-3256- 0255	3250C	100,387	-26,000	74,387	Services City Forces
1130-320-3256- 0259	3250C	127,469	0	127,469	Services City Forces - Intrafund
1130-320-3256- 0260	3250C	9,645	-9,645	0	Miscellaneous Services
1130-320-3256- 0261	3250C	10,200	-6,200	4,000	Property Enhancement Program
1130-320-3256- 0301	3250C	2,754	246	3,000	Office Supplies
1130-320-3256- 0302	3250C	510	-10	500	Books and Periodicals
1130-320-3256- 0306	3250C	306	-6	300	PC Software
1130-320-3256- 0308	3250C	510	-10	500	Tools, Shop and Field Supplies
1130-320-3256- 0309	3250C	2,550	-1,550	1,000	Tool Bank Supplies
1130-320-3256- 0318	3250C	0	0	0	Target Area Cleanup
1130-320-3256- 0401	3250C	306	-6	300	Memberships and Dues
1130-320-3256- 0491	3250C	22,500	-17,500	5,000	Temporary Relocations
1130-320-3256- 0493	3250C	10,000	-8,000	2,000	Housing Demolition
1130-320-3256- 0502	3250C	2,500	2,500	5,000	Lead Based Paint Testing
1130-320-3256- 0503	3250C	500	0	500	Lead Based Paint Clearance
1130-320-3256- 0504	3250C add	0	3,000	3,000	Lead Based Paint Abatement
1130-320-3256- 1101	3250C	20,000	-16,000	4,000	Paint/Insulation Rebates
1130-320-3256- 5000	3250C		0		Capital
		385,686	-71,190	314,496	Total
		877,656	-170,856	706,800	Grand Total

**COMMENTS/JUSTIFICATION**

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1150

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

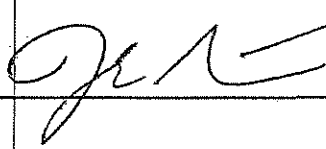
1150-320-3266- 6104	na	200,200	-20,198	180,002	Direct Loan Interest (RLF)
1150-320-3266- 6301	na	1,000,000	-1,000,000	0	Direct Loan Principal (RLF)
		<b>1,200,200</b>	<b>-1,020,198</b>	<b>180,002</b>	<b>Grand Total</b>

### APPROPRIATIONS

1150-800-8000- 8003	na	0	-1,548,500	-1,548,500	RLF Fund 1150 Balance
1150-320-3266- 0235	na	10,200	-10,200	0	Services, Professional & Other
1150-320-3266- 0255	na add	0	26,000	26,000	Services City Forces
1150-320-3266- 0260	na	0	0	0	Miscellaneous Services
1150-320-3266- 0436	na	0	0	0	Uncollectable Accounts Exp
1150-320-3266- 0452	na add	0	50,000	50,000	Interest Expense (RLF)
1150-320-3266- 0495	na	150,000	0	150,000	CDBG - EHRP
1150-320-3266- 0496	na add	0	124,385	124,385	CDBG - Direct Grants (Public Svcs)
1150-320-3266- 0497	na	1,040,000	-490,000	550,000	Direct Loans (RLF)
1150-320-3266- 0507	na	650,000	178,117	828,117	Property Acquisition & CEQA Support
		<b>1,850,200</b>	<b>-121,698</b>	<b>1,728,502</b>	<b>Total</b>
		<b>1,850,200</b>	<b>-121,698</b>	<b>1,728,502</b>	<b>Grand Total</b>

### COMMENTS/JUSTIFICATION

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		NOV - 4 2004

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods  
 Fund Title: Fund 2300

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

2300-700-A012- 9113	na	305,752	0	305,752	Transfer in from Fund 1130 (03-04)
2300-700-A012- 9115	na	194,248	7,250	201,498	Transfer in from Fund 1150
2300-700-A012- 3300	na	100,000	0	100,000	County Participation
		<b>600,000</b>	<b>7,250</b>	<b>607,250</b>	<b>Grand Total</b>

**APPROPRIATIONS**

1150-800-8000- 8003	na	-1,548,500.00	-7,250	-1,555,750	Services, Professional & Other
2300-310-A012- 6010	A012	50,000	7,250	57,250	Eng/Dsgn/Adm
2300-310-A012- 6040	A012	550,000	0	550,000	Construction
		<b>600,000</b>	<b>7,250</b>	<b>607,250</b>	<b>Grand Total</b>

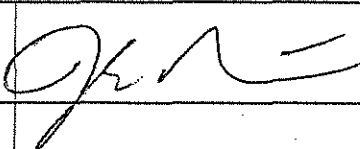
**TRANSFERS**

1130-700-A012 7230	na	305,752	0	305,752	Transfer in from Fund 1130 (03-04)
1150-700-A012 7230	na	194,248	7,250	201,498	Transfer in from Fund 1150
2300-310-A012- 3300	na	100,000	0	100,000	County Participation
		<b>600,000</b>	<b>7,250</b>	<b>607,250</b>	<b>Grand Total</b>

**COMMENTS/JUSTIFICATION**

*done - same for last, there is no appr. unit on this expense side of this trans for A 2150!*

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		NOV - 4 2004

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: HOME Fund 1170

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

1170-320-3258- 3517	na	137,200	382	137,582	HOME Entitlement
1170-320-3258- 4909	na	2,055	12,870	14,925	Interfund Labor Charges
		<b>139,255</b>	<b>13,252</b>	<b>152,507</b>	<b>Grand Total</b>

### APPROPRIATIONS

1170-320-3258- 0110	3258A	60,742	0	60,742	Salaries & Wages, Regular
1170-320-3258- 0150	3258A	324	0	324	Life Insurance
1170-320-3258- 0151	3258A	3,504	0	3,504	Health Insurance
1170-320-3258- 0152	3258A	372	0	372	Dental Insurance
1170-320-3258- 0153	3258A	120	0	120	Vision Insurance
1170-320-3258- 0154	3258A	408	0	408	Disability Insurance
1170-320-3258- 0155	3258A	878	0	878	Medicare
1170-320-3258- 0160	3258A	6,262	0	6,262	Public Employee Retirement System
1170-320-3258- 0161	3258A	1,461	0	1,461	Deferred Compensation
1170-320-3258- 0162	3258A	686	0	686	Worker's Compensation
1170-320-3258- 0164	3258A	26	0	26	Unemployment Insurance
1170-320-3258- 0168	3258A	2,548	0	2,548	Employee Leave Reimbursement
1170-320-3258- 0181	3258A <i>add</i>	0	3,037	3,037	Salary Adjustment
1170-320-3258- 0191	3258A	0	152	152	Benefits Adjustment
		<b>77,331</b>	<b>3,189</b>	<b>80,520</b>	<b>Total</b>
1170-320-3258- 9991	3258A <del>4</del>	-12,870	12,870	0	Service Credit - Intrafund
		<b>-12,870</b>	<b>12,870</b>	<b>0</b>	<b>Total</b>
1170-320-3258- 0228	3258B	240	0	240	Stores Services - Inside
1170-320-3258- 0250	3258B	1,374	0	1,374	Building Services - City Forces
1170-320-3258- 0251	3258B	493	0	493	Tech & Info Infrastructure
1170-320-3258- 0252	3258B	502	0	502	Tech & Info Replacement
1170-320-3258- 0253	3258B	575	0	575	Tech & Info Operations
1170-320-3258- 0254	3258B	644	0	644	Tech & Info Phones
1170-320-3258- 0256	3258B	1,047	0	1,047	Liability Insurance
		<b>4,875</b>	<b>0</b>	<b>4,875</b>	<b>Total</b>

NOV - 4 2004

Fund-Agcy-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
1170-320-3258- 0202	3258C	841	0	841	ISF Mail Services
1170-320-3258- 0205	3258C	459	741	1,200	Printing and Binding
1170-320-3258- 0207	3258C	2,550	0	2,550	Conference Expenses
1170-320-3258- 0208	3258C	204	0	204	Business Expenses
1170-320-3258- 0209	3258C	510	0	510	Training Expenses
1170-320-3258- 0230	3258C	510	0	510	Advertising
1170-320-3258- 0235	3258C	0	0	0	Services, Professional & Other
1170-320-3258- 0255	3258C	55,548	-32,085	23,463	Services City Forces
1170-320-3258- 0259	3258C		29,992	29,992	Services City Forces - Intrafund
1170-320-3258- 0260	3258C	8,991	-1,649	7,342	Miscellaneous Services
1170-320-3258- 0301	3258C	306	194	500	Office Supplies
		69,919	-2,807	67,112	Total
		139,255	13,252	152,507	Grand Total

**COMMENTS/JUSTIFICATION**

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)	<i>[Signature]</i>	11/7/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

NOV - 4 2004

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: HOME Fund 1170

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

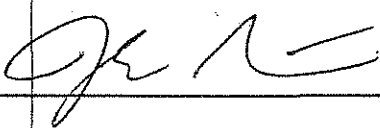
1170-320-3259- 3512	na	1,030,791	0	1,030,791	HOME Carryover
1170-320-3259- 3517	na	1,234,800	3,435	1,238,235	HOME Entitlement
1170-320-3259- 6310	na	100,000	0	100,000	Direct Loan Principal - Prog Income
		<b>2,365,591</b>	<b>3,435</b>	<b>2,369,026</b>	<b>Grand Total</b>

**APPROPRIATIONS**

1170-320-3259- 0235	3259C	1,020	-20	1,000	Services, Professional and Others
1170-320-3259- 0255	3259C	6,281	0	6,281	Services City Forces
1170-320-3259- 0497	3259C	2,058,890	2,692	2,061,582	Direct Loans
1170-320-3259- 0508	3259C	205,800	573	206,373	CHDO (15% of Entitlement)
1170-320-3259- 0509	3259C	68,600	191	68,791	CHDO Operating (5% of Entitlement)
1170-320-3259- 0510	3259C	25,000	0	25,000	Tenant Based Rental Assistance (TBR)
		<b>2,365,591</b>	<b>3,435</b>	<b>2,369,026</b>	<b>Total</b>
		<b>2,365,591</b>	<b>3,435</b>	<b>2,369,026</b>	<b>Grand Total</b>

**COMMENTS/JUSTIFICATION**

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

NOV - 4 2004

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: HOME Fund 1170

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

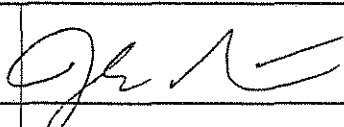
1170-320-3260- 3517	na	0	116,089	116,089	HOME Entitlement (ADDI)
		0	116,089	116,089	Grand Total

**APPROPRIATIONS**

1170-320-3260- 0497	3260C	0	116,089	116,089	Direct Loans (DPAP)
		0	116,089	116,089	Grand Total

**COMMENTS/JUSTIFICATION**

Adjustments required to align amounts in AFIN to match the amounts in the HUD Annual Action Plan, as approved by HUD.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		11/4/04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

NOV - 4 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-610**

**A RESOLUTION APPROVING THE HIRING OF ENTRY-LEVEL  
FIREFIGHTERS UTILIZING THE AB 1929 DISPLACED FIREFIGHTER LIST  
ESTABLISHED BY THE STATE OF CALIFORNIA**

WHEREAS, the Modesto Fire Department last established a hiring list in July 2003, and

WHEREAS, the Modesto Fire Department's list is nearly 18 months old and the top 86 candidates have been evaluated for hire, and

WHEREAS, the Modesto Fire Department has approximately 12 vacancies to fill due to retirements and the opening of Station 11, and

WHEREAS, in the last round of interviews, 27 candidates on the current list were interviewed and of those, six have completed the process and were deemed suitable for hire, and,

WHEREAS, in February 2004, the California State Legislature passed Assembly Bill (AB) 1929 allowing local government agencies to hire firefighters who have been laid off by other fire departments due to reduction in service from a list established by the State of California, and

WHEREAS, the Modesto Fire Department would like to fill the remaining vacancies, prior to establishing a new list, using the AB 1929 list,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the hiring of entry-level firefighters utilizing the AB 1929 Displaced Firefighter List established by the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-611**

**A RESOLUTION (1) APPROVING THE DEFERMENT OF THE FACILITY RENTAL FEE INCREASE FOR THE REGULAR USERS AT THE MODESTO SENIOR CITIZENS CENTER UNTIL DECEMBER 31, 2005, OR UNTIL THE GROUPS RECEIVE THEIR 501(C) 3 STATUS AND OBTAIN A SPONSOR, WHICHEVER OCCURS FIRST, (2) RECOGNIZING THAT PROJECTED REVENUE IN 0100-370-3741-6228, SENIOR CITIZENS CENTER RENTAL WILL BE \$1,893 LESS THAN ESTIMATED FOR FY 2004-205-05, AND (3) RECOGNIZING THAT PROJECTED REVENUE IN 0100-370-3741-6228 MAY NEED TO BE DECREASED BY \$2,141 FOR FY 2005-2006.**

WHEREAS, the Modesto Senior Citizens Center (Senior Center) is a regular meeting location for the following six community groups, and most of these groups are fraternal or social clubs and have been grand fathered in as “regular users” that receive non-profit rates for uses at the Modesto Senior Citizens Center;

- Modesto Senior Citizens, Inc. – a non-profit,
- The Modesto Ballroom Dance Club – a non-profit,
- The Modesto Garden Club, a non-profit,
- Native Daughters of the Golden West,
- Skirts & Flirts,
- Forever Young Dance Club,

and

WHEREAS, in March 2004, the City Council approved a new Use Policy and Fee Schedule for the Parks, Recreation and Neighborhoods Department’s facilities, whereby the facility rental fees have been calculated to gradually increase over the next four years to equal today’s cost of service of the facility, with non-profit groups such as the regular users at the Senior Center paying 50% of the cost of service, and

WHEREAS, the effective date of the new fees was April 1, 2004, and

WHEREAS, regular users at the Senior Center that had previously signed a contract with the City would pay the old fee until their contracts expire on December 31, 2004, and

WHEREAS, the Forever Young Dance Club contacted staff regarding their concerns about the new facility fee schedule, stating that the new fee would result in negative impact on their group's financial condition, and the Forever Young Dance Club also believes the increase will reduce their membership which would additionally decrease their revenue source, and

WHEREAS, staff presented this item to the Finance Committee on October 25, 2004, and the Finance Committee recommended (1) that the facility rental fee increase be deferred to the Forever Young Dance Club at the Senior Center for up to one year and (2) that the Forever Young Dance Club organize itself as a non-profit organization so that it will be eligible to solicit sponsorship, and (3) that the facility rental fee to all regular users at the Senior Center be deferred so as to not favor one club over another, and

WHEREAS, the 1996 rate for each group will be effective until December 31, 2005, or until the groups receive their 501(c) 3 status and obtain a sponsor, whichever occurs first, and

WHEREAS, beginning January 1, 2006, the Modesto Senior Citizen Center facility rental fees for the regular users would resume at the City Council approved facility fee schedule for fiscal year 2005-2006, and

WHEREAS, due to said deferral of the facility rental fee increase, staff recognizes that FY 2004-2005 revenue will be less than estimated, and projected revenue in Fiscal Year 2005-2006 may need to be decreased,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the deferment of the facility rental fee increase for the Regular Users at the Modesto Senior Citizens Center until December 31, 2005, or until the groups receive their 501(c) 3 status and obtain a sponsor, whichever occurs first.

BE IT FURTHER RESOLVED that the Council hereby recognizes that revenue in 0100-370-3741-6228, Senior Citizens Center Rental, will be \$1,893 less than estimated for FY 2004-2005.

BE IT FURTHER RESOLVED that the Council hereby recognizes that projected revenue in 0100-370-3741-6228, Senior Citizens Center Rental, may need to be decreased by \$3,141 for FY 2005-2006.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-612**

**A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. KAMRAR AND CAROLE L. KAMRAR FOR PROPERTY LOCATED AT 121 ELM STREET, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City of Modesto leases a 5,841 square foot commercial building located at 121 Elm Street in Modesto for use by the Building and Parking Services Division of the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the lease expires on December 31, 2004, and

WHEREAS, staff desires to renew the lease for this property, and

WHEREAS, the lease will be for a five year term commencing on January 1, 2005, and

WHEREAS, the monthly rent is \$2,520, with an annual increase of \$.03 per square foot, and

WHEREAS, funds are budgeted in 7800-350-3512-0215, Rental of Real Property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the lease agreement between the City of Modesto and David E. Kamrar and Carole L. Kamrar for the property located at 121 Elm Street.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-613**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Acting City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the following classifications:

1. Construction Inspector
2. Supervising Construction Inspector
3. Heavy Equipment Mechanic
4. Equipment Service Worker
5. Coach Mechanic Crewleader

Said classifications are being amended to revise the job specifications to more accurately reflect the requirements of the various job classifications. The Equipment Service

Worker II job specification is being revised to change the title to Equipment Service Technician. The Coach Mechanic Crewleader job specification is being revise to change the title to Heavy Equipment Mechanic Crewleader.

SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classification of Equipment Service Worker I. Said classification is no longer being used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## CONSTRUCTION INSPECTOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To inspect workmanship and materials used in a variety of public works projects and to ensure conformance with plans, specifications and Departmental regulations.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Inspect various structures and construction projects for conformance with specifications and regulations; check line, grade, size, elevation and location of structures.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

Record amounts of materials used and work performed; prepare necessary reports for progress payments.

Review plans and specifications of assigned project; attend pre-construction conferences as necessary.

Inspect materials for identifications as conforming to specifications.

Perform a variety of field tests.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Evaluate and negotiate contract change orders related to construction.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, equipment and safety hazards of constructions inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

Materials sampling and estimate procedures.

Engineering mechanics of structures.

Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

Ability to:

Understand and interpret engineering plans and specifications and prepare accurate reports.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Ability to: (Continued)

Use basic computer software programs.

**Occasionally perform medium lifting of objects up to 50 lbs.**

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

Experience:

Two years of increasingly responsible experience performing construction inspection in a variety of public works or related construction projects, such as preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; **occasionally lifting and carrying up to fifty (50) lbs.**

EQUIPMENT SERVICE WORKER I  
EQUIPMENT SERVICE WORKER II TECHNICIAN

**Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.**

DEFINITION

To perform semi-skilled work in servicing gasoline or diesel powered automotive, heavy construction and other power-driven equipment **including the maintenance and minor repair of a variety of City equipment.**

DISTINGUISHING CHARACTERISTICS

~~Equipment Service Worker I—This is the entry level class in the Equipment Service Worker series. This class is distinguished from the Equipment Service Worker II by the performance of the more routine tasks and duties assigned to positions within the series including the routine maintenance of a variety of city vehicles. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.~~

~~Equipment Service Worker II—This is the full journey level class within the Equipment Service Worker series. Employees within this class are distinguished from the Equipment Service Worker I by the performance of the full range of duties as assigned including the maintenance and minor repair of a variety of City vehicles. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.~~

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from higher level supervisory and management staff.

~~EXAMPLES OF DUTIES—Duties may include, but are not limited to, the following:~~

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:**

**Essential Functions:**

Fuel, grease and lubricate automobiles, trucks and heavy automotive equipment; service batteries and other parts.

Perform safety inspections on vehicles and equipment; perform routine repair work and reports safety and other priority repair work to supervisor.

Change and repair tires and install and service batteries, spark plugs, light bulbs, fan belts and other simple mechanical parts.

Service automotive equipment with gasoline ~~fuel~~ and oil; keep records of amounts used, assist in general maintenance and cleanliness of automotive shop area.

Perform service calls; make temporary repairs, pick up and deliver vehicles to outside garage; pick up parts; road test vehicles to insure proper operation.

Assist other mechanics in the performance of **advanced** mechanical repairs as required.

Requisition, issue, pick-up, and deliver automotive equipment parts and supplies.

Steam clean and wash motorized equipment.

Sweep and vacuum car interiors.

Wash windows, tighten body bolts, sweep, wash and otherwise keep shop and equipment in a clean and orderly condition.

Assist Equipment Mechanic as required.

**Marginal Functions:**

Perform related duties as assigned.

**QUALIFICATIONS**

**Equipment Service Worker I**

**Knowledge of:**

Tools and materials used in repair and adjustment of automotive equipment.

**Knowledge of:** (Continued)

Lubricating systems and oils, greases and attachments used in lubricating automotive and related equipment.

Less-complex components of automotive equipment.

Safe work practices.

**Basic computer skills.**

**Procedures used in repair and adjustment of automotive equipment.**

**Common automotive parts and supplies.**

Ability to:

Demonstrate a high degree of mechanical aptitude.

Perform heavy manual labor including lifting and carrying heavy equipment.

Understand and follow oral and written instructions.

Keep simple records.

Learn to service automotive and heavy equipment according to City procedures.

**Work independently with minimal supervision.**

**Perform minor mechanical work on City owned ~~motor sweepers~~ equipment.**

**Use a variety of tools and equipment with skill.**

**Maintain shop and repair records.**

**Establish and maintain cooperative-working relationships with those contacted in the course of work.**

**Perform manual labor including heavy lifting and carrying up to 100 lbs.**

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of increasingly responsible experience performing **related** automotive servicing work ~~is desirable.~~

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license. Possession of a valid **Class B California driver's license is required within 45 days of appointment. Failure to obtain the license within this period shall be grounds for release from probation.**

Special Requirements:

Possession of a complete set of mechanic hand tools through 1-1/4" and tool box.  
Equipment Service Worker II

~~In addition to the requirements for Equipment Service Worker I:~~

## QUALIFICATIONS

### Knowledge of:

Procedures used in repair and adjustment of automotive equipment

Common automotive parts and supplies

### Ability to:

Perform minor mechanical work on City owned motor sweepers.

Use a variety of tools and equipment with skill.

Maintain shop and repair records.

Establish and maintain cooperative working relationships with those contacted in the course of work.

## EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

### Experience:

Six months of responsible equipment maintenance experience equivalent that of a Service Worker I.

## WORKING CONDITIONS

### Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.

### Work Assignment:

This classification is subject to a variety of shifts, including nights and weekends as well as rotating shifts periodically.

**GOACH HEAVY EQUIPMENT MECHANIC CREWLEADER**

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

**DEFINITION**

To lead ~~each~~ **Heavy Equipment** Mechanics in the maintenance and repair of the City's transit ~~each~~ **buses** and other gas and diesel powered vehicles; and to personally make the most complex mechanical repairs.

**SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from higher level Equipment Maintenance staff.

Exercises functional and technical supervision over lower level equipment maintenance staff.

~~EXAMPLES OF DUTIES – Duties may include, but are not limited to, the following:~~

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:**

**Essential Functions:**

Lead, train and assist journey level and semi-skilled mechanics; assign work to mechanics; assist the Fleet Maintenance Supervisor in the day-to-day supervision activities.

Inspect, diagnose, and locate mechanical difficulties on City transit ~~each~~ **buses**, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit ~~each~~ **buses**; weld, braze, cut shape and fasten metal parts; fabricate and weld vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

**Essential Functions: (Continued)**

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts and coin collection equipment.

Make roadside repairs as required.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time, and material records.

~~Perform smog certification on City-owned vehicles.~~

**Diagnose and repair various electronic and computer controlled devices.**

**Diagnose and repair emissions systems.**

Marginal Functions:

Perform related duties as assigned.

## QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit ~~each~~**buses** and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Knowledge of: (Continued):

Operating and repair characteristics of City transit ~~each~~**buses**.

Safe work practices.

Principles of personnel supervision and training.

Basic computer skills.

**Computers and electronics in vehicle applications.**

Ability to:

Lead and train skilled and semi-skilled mechanics.

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools, ~~testers~~ and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

**Perform heavy manual labor including occasional lifting and carrying up to 100 lbs.**

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

#### EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

##### Experience:

Four years of increasingly responsible experience performing automotive and **heavy** equipment maintenance and repair duties comparable to those of a ~~Coach~~**Heavy Equipment Mechanic**.

##### Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

##### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

**Possession of a valid Class B California driver's license is required within 45 days of appointment. Failure to obtain the license within this period shall be grounds for release from probation.**

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

**In compliance with Environmental Protection Agency (EPA) regulations, possession of an appropriate Motor Vehicle Air Conditioning Certification is required within one year of appointment. Failure to obtain this certification within this period shall be grounds for release from probation.**

Possession of Certification from the National Institute for Automotive Service Excellent (ASE) in at least four (4) areas in heavy-duty class within one year of appointment. **Failure to obtain this certification**

**within this period shall be grounds for release from probation.**

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and toolbox.

WORKING CONDITIONS

Environmental Conditions:

**Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.**

Physical Conditions:

**Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.**

Work Assignment:

**This classification is subject to a variety of shifts, including nights and weekends, as well as rotating shifts periodically.**

## HEAVY EQUIPMENT MECHANIC

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To maintain and make minor and major repairs to the City's transit buses and other gas and diesel powered vehicles.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Inspect, diagnose, and locate mechanical difficulties on City transit buses, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit buses; weld, braze, cut shape and fasten metal parts; fabricate and weld vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts, and coin collection equipment.

#### Essential Functions: (Continued)

Make roadside repairs as required.

Maintain work, time, and material records.

Diagnose and repair various electronic and computer controlled devices.

Diagnose and repair emissions systems.

Marginal Functions:

Perform related duties as assigned.

**QUALIFICATIONS**

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit buses and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit buses.

Safe work practices.

Computers and electronics in vehicle applications.

Ability to:

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools, testers and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Ability to: (Continued)

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine appropriate repair needs and estimate the cost and time of repairs.

**Perform heavy manual labor including occasional lifting and carrying up to 100 lbs.**

Establish and maintain cooperative-working relationships with those contacted in the course of work.

**EXPERIENCE AND TRAINING GUIDELINES**

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience performing automotive and heavy equipment maintenance and repair duties.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

**License or Certificate:**

Possession of, or ability to obtain, an appropriate, valid California driver's license. ~~Must obtain~~ Possession of a valid Class B California driver's license is required within 45 days of appointment. Failure to obtain the license within this period shall be grounds for release from probation.

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

License or Certificate: (Continued)

**In compliance with Environmental Protection Agency (EPA) regulations, possession of an appropriate Motor Vehicle Air Conditioning Certification is required within one year of appointment. Failure to obtain this certification within this period shall be grounds for release from probation.**

Possession of Certification from the National Institute for Automotive Service Excellence (ASE) in at least three (3) areas in heavy-duty class is required within one year of appointment. **Failure to obtain this certification within this period shall be grounds for release from probation.**

Special Requirements:

**Possession of a complete set of mechanic hand tools through 1-1/2" and toolbox.**

**WORKING CONDITIONS**

Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.

Work Assignment:

**This classification is subject to a variety of shifts, including nights and weekends as well as rotating shifts periodically.**

### SUPERVISING CONSTRUCTION INSPECTOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

#### DEFINITION

To inspect workmanship and materials used in a variety of public works projects; to ensure conformance with plans, specifications and Departmental regulations; and to provide technical assistance and training to other inspection staff.

#### SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Senior Civil Engineer assigned to Construction Administration.

Exercises direct supervision including both technical and functional supervision over assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in construction inspection.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; monitor and control expenditures.

Resolve work problems and interpret administrative policies to subordinates, other departments, consultants, contractors and the public.

Essential Functions: (Continued)

Participate in the most complex inspections of various structures and major construction projects for conformance with specifications and regulations; check line, grade, size, elevation and location of structures.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

Record amounts of materials used and work performed; prepare and review necessary reports for progress payments.

Review plans and specifications of assigned project; attend and conduct pre-construction conferences as necessary.

Inspect materials for identification as conforming to specifications.

Evaluate and negotiate contract change orders related to construction.

Perform a variety of field tests.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Marginal Functions:

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles, methods, materials, equipment and safety hazards of construction inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

Materials sampling and estimating procedures.

Engineering mechanics of structures.

Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

### Ability to:

Understand and interpret engineering plans and specifications and prepare accurate reports.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Use basic computer software programs.

**Perform medium lifting up to 50 lbs.**

## EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

### Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

### Experience:

Four years of increasingly responsible experience performing a variety of public works or related construction inspection work. One year of the required experience must be in a lead or supervisory capacity.

### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

## WORKING CONDITIONS

### Environmental Conditions:

Office and field environment; travel from site to site.

### Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; **occasionally lifting and carrying up to fifty (50) pounds.**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-614**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO REVISE THE JOB SPECIFICATIONS OF CONSTRUCTION INSPECTOR AND HEAVY EQUIPMENT MECHANIC; TO CHANGE THE TITLE OF EQUIPMENT SERVICE WORKER II TO EQUIPMENT SERVICE TECHNICIAN; TO CHANGE THE TITLE OF COACH MECHANIC CREWLEADER TO HEAVY EQUIPMENT MECHANIC CREWLEADER AND TO DELETE THE CLASSIFICATION OF EQUIPMENT SERVICE WORKER I.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes effective November 23, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** revises the job specifications for Construction Inspector and Heavy Equipment Mechanic; changes the title of Equipment Service Worker II to Equipment Service Technician remaining at salary range 114; changes the title of Coach Mechanic Crewleader to Heavy Equipment Mechanic Crewleader remaining at salary range 126; and deletes the classification of Equipment Service Worker I.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective **November 23, 2004**

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RANGE	TITLE
101	Custodian I
103	Administrative Office Assistant I
104	
105	
106	
107	Administrative Office Assistant II Custodian II Police Clerk I
108	
109	
110	Animal Control Officer I Security Officer Maintenance Worker I
111	Account Clerk Administrative Office Assistant III Police Clerk II
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I <b>Equipment Service Technician</b> Evidence and Property Specialist Maintenance Worker II Production Technician Storeskeeper

Exhibit "A"

RANGE	TITLE
115	Accounting Technician Administrative Services Technician I Animal Control Officer II Code Enforcement Officer I Community Service Officer I Senior Administrative Office Assistant Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Operations Technician Used Oil Coordinator Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	Administrative Services Technician II Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks Maintenance Mechanic – Pumps Public Information Technician Wastewater Treatment Plant Operator

Exhibit "A"

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RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Senior Equipment Operator Traffic Painter Crewleader Water Resource Specialist I Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	<b>Heavy Equipment Mechanic</b> Cross Connection Specialist Fire Equipment Mechanic Law Enforcement Academy Recruit Tree Trimmer Crewleader Water Conservation Specialist
123	Airport Maintenance Crewleader Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Environmental Compliance Inspector I Equipment Mechanic Crewleader Laboratory Analyst II Operation and Maintenance Crewleader Planning Assistant Plant Mechanic Water Resource Specialist II
125	Crime Analyst
126	Building Inspector I Electrician <b>Heavy Equipment Mechanic Crewleader</b> Housing Financial Specialist Housing Rehabilitation Specialist I

RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Environmental Compliance Inspector II Instrument Repair Technician Senior Wastewater Treatment Plant Operator
129	
130	Building Inspector II <b>Construction Inspector</b> Housing Rehabilitation Specialist II Project Coordinator
131	Senior Civil Engineering Assistant
132	Senior Environmental Compliance Inspector
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-615**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO REVISE THE CLASSIFICATION OF SUPERVISING CONSTRUCTION INSPECTOR.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:-

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 effective April 8, 2003, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective November 23, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** revises the job specification for Supervising Construction Inspector remaining at Range 442.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **November 23, 2004**

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RANGE	TITLE
403	Administrative Office Assistant I (Confidential)
407	Administrative Clerk II (Confidential) Administrative Office Assistant II (Confidential)
408	
409	
410	
411	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
412	
413	Administrative Technician (Confidential)
414	
415	Senior Administrative Office Assistant (Confidential) Secretary
416	
417	
418	Legal Secretary Systems Technician I
419	Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary (Represented) Legal Services Technician
421	

Exhibit "A"

RANGE	TITLE
422	Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I Systems Technician II
423	Custodian Supervisor
424	Assistant Planner Buyer Police Facilities Coordinator
425	Administrative Analyst I
426	Police Civilian Supervisor Stores Manager Systems Technician III
427	Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II
428	Accountant II (Represented) Senior Buyer
429	
430	Associate Planner Community Services Supervisor Events Supervisor I Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Software Analyst I
431	Administrative Analyst II Assistant Risk Manager Budget Analyst I Personnel Analyst Recycling Program Coordinator Senior Community Development Program Specialist

RANGE      TITLE

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432    Communications Specialist  
Customer Services Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor  
Water Quality Control Operations Supervisor

433    Organizational Development Specialist

434    Assistant Civil Engineer  
Assistant Traffic Engineer  
Budget Analyst II  
Events Supervisor II  
Environmental Laboratory Supervisor  
Operations Supervisor  
Regulatory Compliance Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Software Analyst II  
Systems Engineer I

435    Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst

436    Electrical Supervisor  
Senior Planner

437

RANGE      TITLE

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438    Budget Officer  
      Housing Program Supervisor  
      Land Surveyor  
      Property Agent  
      Purchasing Supervisor  
      Senior Business Analyst  
      Software Analyst III  
      Systems Engineer II

439    Administrative Services Officer  
      Community Facilities Districts Administrative Officer

440    Associate Civil Engineer  
      Associate Traffic Engineer  
      Transportation Planner

441    Airport Manager  
      Building Maintenance Superintendent  
      Fire Marshal  
      Fleet Manager  
      Housing and Urban Development Manager  
      Parks Operations Superintendent  
      Parks Planning and Development Manager  
      Recreation Superintendent  
      Solid Waste Program Manager  
      Streets Engineer  
      Transit Manager  
      Urban Forestry Superintendent  
      Wastewater Collections Superintendent  
      Water Superintendent

442    Customer Services Division Manager  
      Manager of Budget and Financial Analysis  
      Software Analyst IV  
      Supervising Building Inspector  
      **Supervising Construction Inspector**  
      Systems Engineer III

443

444    Deputy Chief Building Official  
      Principal Planner

Exhibit "A"

RANGE	TITLE
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445	Accounting Division Manager
446	Water Quality Control Superintendent Information Technology Unit Manager
447	Business Development Division Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	
450	
451	
452	
453	
455	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-616**

**A RESOLUTION AMENDING THE 2004-2005 BUDGET TO RECOGNIZE AND APPROPRIATE NEW SAFE ROUTE TO SCHOOL (SR2S) GRANT REVENUES OF \$166,500, FOR FISCAL YEAR 2004-2005**

WHEREAS, SR2S funds are awarded statewide by the State of California through a competitive process, and

WHEREAS, City staff submitted applications to Caltrans in March 2004, for SR2S funding, and

WHEREAS, our number two priority project to construct curb, gutter, sidewalk, and street lighting on California Avenue near Mark Twain Jr. High School was selected by Caltrans, and

WHEREAS, the City's match for the SR2S project is \$18,500 which is budgeted in Account No. 2300-160-Q206, "New Traffic Control Devices," and

WHEREAS, this improvement project will benefit the students of Mark Twain Jr. High School, as well as the residents in the area, at a minimal cost to the City, and

WHEREAS, this project will add \$185,000 in infrastructure improvements at a cost of \$18,500 to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2004-2005 Budget to recognize and appropriate new Safe Route to School (SR2S) grant revenues of \$166,500,

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-617**

**A RESOLUTION AMENDING THE 2004-2005 CAPITAL IMPROVEMENT  
PROGRAM (CIP) TO INCLUDE A SAFE ROUTE TO SCHOOL (SR2S)-  
FUNDED CIP PROJECT**

WHEREAS, City staff submitted applications to Caltrans in March 2004, for SR2S funding, and

WHEREAS, on October 29, 2004, the City received notification of its fiscal year 2004-2005 SR2S award which totals \$166,500, and

WHEREAS, SR2S funds may be used to fund up to 90% of covered project costs, and

WHEREAS, the City's match requirement is 10%, and

WHEREAS, acceptance and appropriation of the SR2S funding requires amending the City's CIP to include this project since it was not included at the time the CIP was considered for adoption, and

WHEREAS, staff recommends the City take advantage of Federal funds available to enhance safety near schools,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2004-2005 Capital Improvement Program (CIP) to include a Safe Routes to School (SR2S)-funded CIP project,

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-618**

**A RESOLUTION REJECTING THE LOW BID OF \$71,040 FROM STEINY AND COMPANY, INC., FOR THE PROJECT TITLED, "SCENIC DRIVE LIGHTED CROSSWALK," AUTHORIZING STAFF TO SOLICIT INFORMAL BIDS FOR THE EQUIPMENT AND CONSTRUCT THE IMPROVEMENTS WITH CITY CREWS**

WHEREAS, this project will install a solar-powered lighted crosswalk and handicap ramps at the intersection of Scenic Drive and Wycliffe Drive, and

WHEREAS, this project will increase safety and encourage pedestrian use in this neighborhood, and

WHEREAS, after several neighborhood meetings and receiving feedback, the Economic Development Committee (EDC) at their May 12, 2003, meeting directed staff to leave the intersection status quo, and to install a lighted crosswalk east of Wycliffe Drive on Scenic Drive, embellish existing striping, replace existing signs with lime green signs, and to add advance signs, and

WHEREAS, this lighted crosswalk project was the preferred alternative of the neighborhood over a traffic signal at Scenic/Lakewood, and

WHEREAS, following the direction from EDC in May, 2003, and approval by Council, staff requested that StanCOG reappropriate the funding intended for a traffic signal at Scenic/Lakewood to be used for a lighted crosswalk at Scenic/Wycliffe, and

WHEREAS, staff received StanCOG's approval of the fund change in January 2004, and

WHEREAS, at the June 3, 2003, Council meeting, staff reported to Council that they were proceeding with the installation of a lighted crosswalk at the intersection of Scenic Drive and Wycliffe Drive, and

WHEREAS, the project was advertised for three weeks during the month of June and bid opening was October 12, 2004, at 11:00 a.m., and

WHEREAS, Steiny and Company, Inc., was the low bidder and staff recommends rejecting the bid received due to the fact that this low bid is 116% over the engineer's estimate, and

WHEREAS, there will be no impact to the operating budget if the low bid is rejected and staff is authorized to solicit informal bids for the equipment and to construct the improvements with City crews,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to reject the low bid of \$71,040 from Steiny and Company, Inc., for the project titled, "Scenic Drive Lighted Crosswalk,"

BE IT FURTHER RESOLVED that City staff is hereby authorized to solicit informal bids for the equipment and to construct the improvements with City crews.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-619**

**A RESOLUTION ADOPTING THE INITIAL STUDY AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED, CONSIDERED, AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT**

WHEREAS, on March, 4, 2003, the City Council of the City of Modesto adopted Resolution No. 2003-123 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report and whether the subsequent project was described in the Master Environmental Impact Report as being within the scope of the project, and

WHEREAS, the Public Works Department, by Initial Study, E.A./E.T. 2004-02 reviewed the proposed “Lighted Crosswalk on Scenic Drive at Wycliffe Drive” project which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and

WHEREAS, on February 9, 2004, the Engineering and Transportation Department caused to be published public notification of the determination conferred in Initial Study EA/ET 2004-02, pursuant to Public Resources Code Section 21092, and

WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 23rd day of November 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA/ET 2004-02 prepared for the proposed Lighted Crosswalk on Scenic Drive at Wycliffe Drive project, a copy of which is attached hereto as **Attachment "B"**, and incorporated herein by referenced, and based on the substantial evidence included in said Initial Study makes the following findings:

- A. The proposed lighted crosswalk project is within the scope of the City of Modesto General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the proposed lighted crosswalk project that were not previously examined in the General Plan Master EIR.
- C. No new or additional mitigation measures or alternatives will be required as a result of the proposed lighted crosswalk project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the lighted crosswalk project that require specific mitigation measures. All certified mitigation measures identified in the General Plan MEIR will apply city wide, including this project, as appropriate.
- E. This Initial Study, Environmental Assessment No. EA/ET 2004-02 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

City of Modesto  
Initial Study

Lighted Crosswalk  
On Scenic Drive at Wycliffe Drive

**E.A./E.T. No: 2004-02**

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 199082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

A. Project Title:

Lighted Crosswalk on Scenic Drive at Wycliffe Drive

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:

Paul J. Hom, Engineering and Transportation Department, (209) 577-5294

D. Project Location:

Scenic Drive at Wycliffe Drive

E. Project Sponsor:

City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

Redevelopment Planning District (RPD)

G. Zoning:

Redevelopment Planning District (RPD)  
Mixed Use (MU)

H. Description of Proposed Project:

This is an application to install a lighted crosswalk. To aid pedestrians south of Scenic Drive in crossing the City of Modesto is installing a lighted crosswalk at an existing marked crosswalk on Scenic Drive at Wycliffe Drive (see attached Map, Exhibit A).

All work will take place in existing City of Modesto right of ways.

I. Surrounding Land Uses:

The project is located primarily in a residential area.

J. Other Public Agencies Whose Approval is Required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The Lighted Crosswalk project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

C. Generation of Noise

The Lighted Crosswalk project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

The proposed Lighted Crosswalk is located in developed areas outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

The proposed project includes the installation of a lighted crosswalk, and will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project includes the installation of a lighted crosswalk, and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed lighted crosswalk location is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.

K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.

L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are, therefore, still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed lighted crosswalk project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the lighted crosswalk project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed lighted crosswalk project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the lighted crosswalk project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Paul J. Hom  
Associate Civil Engineer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-620**

**A RESOLUTION REJECTING THE LOW BID OF \$312,285 FROM BDS  
CONSTRUCTION, INC., FOR THE PROJECT TITLED, "ENCINA AVENUE  
ROUNABOUT," AND AUTHORIZING STAFF TO REBID THE PROJECT**

WHEREAS, BDS Construction, Inc., was the low bidder for the Encina Avenue Roundabout project, and

WHEREAS, staff recommends rejecting the bid due to the fact the bid is 41% over the engineer's estimate, and

WHEREAS, many contractors were so busy that they did not bid on the project, and

WHEREAS, staff intends to rebid the project in December, a month typically more amenable to competitive prices, and

WHEREAS, staff also intends to include a dozen contractors that bid on three roundabouts in Sacramento this year, and

WHEREAS, there will be no impact to the operating budget if the low bid is rejected and the project re-advertised,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to reject the low bid of \$312,285 from BDS Construction, Inc., for the project titled, "Encina Avenue Roundabout," and authorizes staff to rebid the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-621**

**A RESOLUTION ADOPTING AN INITIAL STUDY FOR THE PROJECT  
TITLED, "ENCINA AVENUE ROUNDABOUT," IN THE CITY OF MODESTO,  
AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED,  
CONSIDERED, AND MADE FINDINGS REGARDING THE CEQA  
ENVIRONMENTAL REVIEW DOCUMENT**

WHEREAS, on March, 4, 2003, the City Council of the City of Modesto adopted Resolution No. 2003-123 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report and whether the subsequent project was described in the Master Environmental Impact Report as being within the scope of the project, and

WHEREAS, the Public Works Department, by Initial Study, E.A./E.T. 2004-19 reviewed the proposed roundabout on Encina Avenue which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and

WHEREAS, on June 7, 2004, the Engineering and Transportation Department caused to be published notification of the determination conferred in Initial Study 2004-19, pursuant to Public Resources Code Section 21092, and

WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 23rd day of November 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA 2004-19 prepared for the proposed roundabout on Encina Avenue project, a copy of which is attached hereto as **Attachment "B"**, and incorporated herein by referenced, and based on the substantial evidence included in said Initial Study makes the following findings:

- A. The proposed roundabout project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the lighted crosswalk project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed lighted crosswalk project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the roundabout project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.
- E. This Initial Study, Environmental Assessment No. EA 2004-19 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

City of Modesto  
Initial Study

ENCINA AVENUE ROUNDABOUT IMPROVEMENTS

E.A./E.T. No: 2004-19

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 199082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project Title:

ENCINA AVENUE ROUNDABOUT IMPROVEMENTS

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:

Paul J. Hom, Engineering and Transportation Department, (209) 577-5294

D. Project Location:

The City is proposing to connect a missing segment of Encina Avenue west of El Vista, install a roundabout at the intersection of Encina/Conejo, and install "speed cushions" throughout the neighborhood. All work will take place in existing City of Modesto right-of-way.

E. Project Sponsor:

City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

Redevelopment Planning District (RPD)  
Mixed Use (MU)

G. Zoning:

Redevelopment Planning District (RPD)  
Mixed Use (MU)

H. Description of Proposed Project:

The purpose of this project is to complete a missing portion of Encina Avenue and make improvements which will enhance the drivability of the neighborhood.

It includes the missing portion of Encina Avenue (approximately 300 ft), a roundabout at the intersection of Encina/Conejo, and the addition of speed cushions at key locations throughout the neighborhood. All work will take place in existing City of Modesto right of ways.

I. Surrounding Land Uses:

The projects are located in primarily residential areas adjacent to schools.

J. Other Public Agencies Whose Approval is Required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The Encina Avenue Roundabouts Improvement Project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master

EIR, this development would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

C. Generation of Noise

The Encina Avenue Roundabouts Improvement Project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

All work is located in developed areas outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

The proposed project includes traffic calming enhancements, and will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13) are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project includes traffic calming enhancements, and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

All work is located in developed areas and are not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant

Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.

K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.

L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

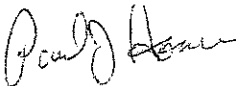
R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are, therefore, still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed Encina Avenue Roundabouts Improvement Project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the Encina Avenue Roundabouts Improvement Project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed Encina Avenue Roundabouts Improvement Project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the Encina Avenue Roundabouts Improvement Project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Paul J. Horn  
Associate Traffic Engineer

City of Modesto  
**NOTICE OF AVAILABILITY**

**INITIAL STUDY**

**ENCINA AVENUE ROUNDABOUT IMPROVEMENTS**

Pursuant to Section 21092 of the California Environmental Quality Act (CEQA) the City of Modesto (City), acting as lead agency, has prepared an Initial Study for the proposed ENCINA AVENUE ROUNDABOUT IMPROVEMENTS ("Project"). The City is issuing public notice of the availability of the Initial Study and, pursuant to Section 15105 of CEQA, is providing an opportunity for public review and the submission of comments regarding the potential environmental effects related to implementation of this project.

**Project Description and Location** - The City is proposing to connect a missing segment of Encina Avenue west of El Vista, install a roundabout at the intersection of Encina/Conejo, and install "speed cushions" throughout the neighborhood. All work will take place in existing City of Modesto right-of-way.

**Public Review Period** - The official public review period for the Initial Study will begin on June 14, 2004, and will close on June 21, 2004. Written comments should be forwarded to the following address on or before July 14, 2004: Paul Horn, City of Modesto, Traffic Division, Engineering & Transportation, P.O. Box 642, Modesto, CA 95353.

**Environmental Findings** - Based on the City's General Plan Master EIR (SCH#92052017) an Initial Study, EA No. 2004-19, was prepared, leading to a finding that the project is within the scope of the Master EIR per CEQA Section 21157.1 for the proposed project, which makes the following determination:

- A. The proposed Encina Avenue Roundabout Improvements Project will have no new additional significant effect on the environment not addressed in the General Plan Master Environmental Impact Report (SCH#92052017).
- B. No new or additional mitigation measures are required for the proposed Encina Avenue Roundabout Improvements Project.
- C. The proposed Encina Avenue Roundabout Improvements Project is within the scope of the project covered by the General Plan Master Environmental Impact Report (SCH# 92052017).
- D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per Section 21157.1) for the Encina Avenue Roundabout Improvements Project.
- E. There are no specific features unique to this proposed Encina Avenue Roundabout Improvements Project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
- F. The Initial Study provides substantial evidence to support findings "A, B, C, D, and E" above.

**Location Where Copies of the Initial Study and all Project Files are Available for Public Review** - Copies of the Initial Study for this project may be reviewed at 1010 Tenth Street, Suite 4100, Modesto, California, on weekdays during regular business hours between 8:00 a.m. and 5:00 p.m.

**Requests for Additional Information** - For further information about this Project and the Initial Study, please contact Paul Horn, at 209-577-5294.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-622**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-05 BUDGET TO  
RECOGNIZE AND APPROPRIATE NEW CONGESTION MITIGATION AND  
AIR QUALITY (CMAQ) GRANT REVENUES OF \$2,828,531 FOR FISCAL  
YEAR 2004-2005**

WHEREAS, on May 27, 2003, Council approved the City's application for  
Congestion Mitigation and Air Quality (CMAQ) grant funding, and

WHEREAS, CMAQ funds are awarded to the City by StanCOG and are dispersed  
both competitively and based upon population, and

WHEREAS, recently, the City received notification of its fiscal year 2004-2005  
CMAQ award, which totals \$2,828,531, and

WHEREAS, the City's matching share for the CMAQ projects is \$721,469 all of  
which is currently budgeted within existing CIP projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby approves amending the Fiscal Year 2004-2005 Annual Budget to recognize  
and appropriate new Congestion Mitigation and Air Quality (CMAQ) grant revenues of  
\$2,828,531,

BE IT FURTHER RESOLVED that the Council hereby authorizes the Finance  
Director to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-623**

**A RESOLUTION AMENDING THE 2004-2005 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE CMAQ-FUNDED CIP PROJECTS**

WHEREAS, on May 27, 2003, Council approved the City's application for Congestion Mitigation and Air Quality (CMAQ) grant funding, including competitive project submitted for funding, and

WHEREAS, CMAQ funds may be used to fund up to 88.53% of covered project costs, and

WHEREAS, the Economic Development Committee reviewed the CMAQ project applications and recommended Council approval, and

WHEREAS, acceptance and appropriation of the CMAQ funding requires amending the City's CIP to include projects not included at the time the CIP was considered for adoption, and

WHEREAS, most of the new projects are classified as secondary projects and fall beneath primary projects already approved by Council, and

WHEREAS, primary projects serve as the budgetary control device within the CIP, and

WHEREAS, secondary projects are related projects, which fall beneath the primary project category,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2004-2005 Capital Improvement Program (CIP) to include CMAQ-funded CIP projects and authorizes the City Manager to move funds between secondary projects within a single primary project to include CMAQ-funded CIP projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-624**

**A RESOLUTION ACCEPTING THE BID AND APPROVING A \$58,585.00 CONTRACT WITH ON GRADE CONTRACTING, INC., FOR THE PROJECT TITLED, "SEWER EXTENSION TO 2336 SYLVAN AVENUE," AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CONTRACT**

WHEREAS, the bids received for SEWER EXTENSION TO 2336 SYLVAN AVENUE were opened at 11:00 a.m. on November 2, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$58,585.00 received from On Grade Contracting, Inc., be accepted as the lowest responsible bid and the contract be awarded to On Grade Contracting, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of On Grade Contracting, Inc., in the amount of \$58,585.00, and hereby awards On Grade Contracting, Inc., the contract titled "SEWER EXTENSION TO 2336 SYLVAN AVENUE."

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-625**

**A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT  
WITH THE MODESTO IRRIGATION DISTRICT (MID) TO WIDEN AN  
EXISTING CANAL CROSSING AT DALE ROAD AND MID LATERAL NO. 6.,  
AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE  
AGREEMENT**

WHEREAS, Kaiser Permanente plans to construct a new hospital along Dale Road adjacent to the Modesto Irrigation District Lateral No. 6 intersection, and

WHEREAS, Dale Road currently crosses the Modesto Irrigation District (MID) Lateral No. 6, and

WHEREAS, Dale Road is scheduled to be widened at the Bangs Avenue intersection as a Kaiser Hospital traffic mitigation measure, and

WHEREAS, prior to widening of the Dale Road crossing MID Lateral No. 6, the open lateral needs to be placed in underground pipes, and

WHEREAS, MID requires a Consent to Common Use Agreement prior to allowing construction of an expanded crossing facility within the District's right-of-way,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Consenting to Common Use with MID for improvements at Dale Road and MID Lateral No. 6.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 626**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR ELECTRIC MOTOR  
REWINDING/REBUILDING SERVICES FOR AN INITIAL TWO-YEAR  
PERIOD, WITH THREE (3) ONE-YEAR CONTRACT EXTENSIONS FOR A  
TOTAL ESTIMATED ANNUAL COST OF \$50,000.00**

WHEREAS, the Public Works Department-Electrical Division has requested the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extensions, and

WHEREAS, electric motor rewinding/rebuilding services are required because motors experience wear and failure in their normal operations, suffer bearing failure, electrical insulation failure and degradation, winding breaks or shorting, and physical damage, and

WHEREAS, electric motors are used to pump fresh water from wells or tanks, to pump sewage and storm water through the collection systems, and to pump wastewater through the Sutter and Jennings treatment facility's, and

WHEREAS, electric motors are also used to move air through HVAC systems, operate conveyors, open and close roll up doors and gates, and in other numerous City applications, and

WHEREAS, staff uses rewinding/rebuilding services when these services are less than 60% of the motor replacement cost, and repairing/rebuilding a motor is often faster than replacement on large specialized motors, and

WHEREAS, motors are used in many processes including those processes needed to comply with state and federal permits and regulations such as the wastewater facility's NPDES permits and water systems that meet Department of Health requirements, and

WHEREAS, other regulations are safety related such as ventilation to reduce heat or dangerous atmospheric situations in restricted areas such as pumping station dry wells, and others are convenience or security related to gate or door openers and elevators, and

WHEREAS, one major advantage for an electric motor rewind/rebuild contract is a stable, known price over a period of time, and

WHEREAS, the price of copper used in the manufacturer of motors is very volatile and can cause fluctuations in rewinding costs, and

WHEREAS, City staff is unable to perform this function due to lack of facilities and the fact that it is a very specialized, technical trade, and

WHEREAS, funding for electric motor rewinding/rebuilding is budgeted in account numbers: 6210-480-5212, 6280-480-5312-0223, 6210-480-5213-0223, 6210-480-5214-0223, and 6100-480-5013-0223, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed \$50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extension options for an estimated annual cost of \$50,000.00, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Supervisor to solicit formal Request for Bids for

electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extensions options, for an estimated annual cost of \$50,000 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extension options for an estimated annual cost of \$50,000.00 to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**AMENDED**  
on 8-9-2016  
By Resolution 2016-343 **MODESTO CITY COUNCIL**  
**RESOLUTION NO. 2004-627**

**AMENDED**  
on 4-26-05  
By Resolution 2005-204

**A RESOLUTION RESCINDING ALL PREVIOUS WATER FEE RESOLUTIONS, ESTABLISHING A SINGLE RATE BASE, AND ESTABLISHING FEES FOR THE PROVISION OF WATER AND ALL FEES ASSOCIATED WITH WATER OPERATIONS AND MANAGEMENT.**

WHEREAS, Section 11-1.04 of the Modesto Municipal Code authorizes the Council, by resolution, to establish charges for water service installation, and MMC Section 11-1.05 authorizes the Council, by resolution, to establish charges for water main connection charges, and MMC Section 11-6.05 authorizes the Council, by resolution, to establish charges for metered water services, and MMC Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services, and

WHEREAS, MMC Section 11-6.02 authorizes the Council, by resolution, to establish charges for deposits for utility services, and MMC Section 11-6.08 authorizes the Council, by resolution, to establish charges for use of fire hydrants, and

WHEREAS, the City Council intends to rescind all previous resolutions specifying fees for the provision of water or for fees related to water operations and management, and to enact new fees therefore, and

WHEREAS, the City Council has reviewed and approved the reports of rate-setting and engineering consultants, and based proposed water service fee increases on the recommendations of those reports, and

WHEREAS, notice was provided to the City's water ratepayers on October 8, 2004, of the water fee increases proposed, and a majority protest was not received by the close of the public hearing on November 23, 2004, all in accordance with Article XIII D, Section 6 of the California Constitution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

DEFINITIONS:

**AMENDED**  
on 5-24-05  
By Resolution 2005-282

A. Connection Charge - A one-time prorata charge to be paid by or on behalf of a prospective ratepayer for facilities existing in, or planned to be added to the City water system, minus deficiencies (previously known as Water System Fee).

B. City Water System ("System") - The City's physical assets dedicated to the provision of water to the public for human consumption, including assets for the collection, treatment, pumping, storage and distribution of water under the control of the City's operator.

C. Connection - The attachment of pipe facilities to the City water System for one or more water service uses.

D. Costs of Service - All costs appropriately borne by the entire rate base, calculated on a consumption basis to the extent practicable, and consisting of a fixed component, and a variable component including the distribution of estimated costs of service obligations allocated to the System by the City Council on a System-wide basis. Such costs shall exclude all capacity charges, and include all deficiency charges.

E. Deficiencies - Water facilities required by law or recommended by generally recognized authority as being necessary to the provision of a modern, safe, adequate, water system of the City's size, with prudent reserves of quantity, pressure and transmission infrastructure to meet reasonably foreseeable contingencies that are absent from the City water System at any particular point in time.

F. MMC - Modesto Municipal Code.

G. Standard Billing Cycle - A standard period of time, usually consisting of one 28-35 day month commencing from date of initiation of water service, and continuing until water service termination. The Finance Director, or designee, shall have the authority to, from time to time, redefine the standard billing cycle to better fit the needs and requirements of the City.

H. Water Acquisition Costs - All direct and indirect costs to the City for water purchase, treatment and transmission to a connection with the System.

SECTION 1. WATER CHARGES BASED SOLELY ON COST OF SERVICES TO THE RATEPAYER. In accordance with law, the charge for all water delivered by the System shall be based solely on the cost of service to the ratepayer. Costs of service, in turn, shall consist of two components: fixed costs, such as those for billing, meter reading where applicable, and other general overhead, and variable costs, such as proportionate costs of the acquisition and transmission of water, removal of deficiencies, higher operating and maintenance costs apportioned to ratepayers with service demands requiring larger meters, and the costs of the commitment of the System to high-quality maintenance, and the provision of clean water at adequate pressure under all circumstances under the System's control, or as mandated by agencies outside the City as elaborated more fully below.

The City Council has evaluated the costs of service, including the costs of correcting existing deficiency in its water System and of growth, and of underwriting certain commitments to its rate base on a System-wide basis. The City's water utility is regional in nature, and its revenue requirements, or cash needs, have been attributed to the System as a whole. In certain cases, costs of only the engineering characteristics of the System may vary with a ratepayer's location. Nevertheless the Council believes the cost of service exceeds asset costs, because the Council has committed to intangible service elements in addition to fixed asset costs. These are:

1. To provide high-quality maintenance at cost.
2. To plan for and provide adequate future supplies of water for the metropolitan area.
3. To act promptly to assure a clean water supply in light of the likelihood that unpredictable and possibly dramatic changes in the regulatory climate will occur.
4. To provide clean water at adequate pressures under all reasonable circumstances.

The Council is advised that some, or perhaps many, of the assets planned to insure its promises will be located geographically apart from existing System

components because different areas of a large regional System will have differing physical asset requirements through time. Thus, the primary benefit of the System to any individual ratepayer will be in the fulfillment of the Council's commitments, in contrast to the ratepayer's proximity to any specific existing or planned physical asset. In sum, the principal service of the System is and shall be the keeping of its commitments, not the geographical distribution of its physical components, or their physical effects on the water commodity those assets provide.

SECTION 2. COST OF DELIVERED WATER BASED ON QUANTITY USED IN BILLING CYCLE. It is the policy of the City of Modesto that all charges for water delivered by the System shall be determined by the quantity of water used in a standard billing cycle as determined from metered water usage for metered services, and estimated usage of unmetered (flat-rate) services, where services are metered and said meters are read for billing purposes. All estimated flat rate services will be a metered rate as services are converted and/or as funds become available.

SECTION 3. PAYMENT OF CONNECTION CHARGES. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. If no parcel or subdivision map is required for the development of the property, then the fee shall be collected upon the issuance of the building permit.

SECTION 4. DEFICIENCY CHARGES. System modernization and improvement, as opposed strictly to expansion, benefits all of the rate base. Accordingly, the cost of removing deficiencies shall be borne by the entire rate base as a component of the variable cost per 100 cubic feet of delivered water.

SECTION 5. ALLOCATION OF WATER ACQUISITION AND TRANSMISSION COSTS. Water acquisition and transmission costs for the System are appropriately apportioned between existing deficiencies and growth requirements. Accordingly, an engineering determination has been made in the West Yost "Justification

and Cost Allocation for Proposed Water System Improvements Study", accepted by Council on September 14, 2004, that 74.2% of the City's water acquisition costs be included in deficiency charges, and that the remaining 25.8% be attributed to growth, and apportioned to and collected in connection charges.

SECTION 6. DETERMINATION OF FIXED AND VOLUME BASED CHARGES FOR DELIVERY OF WATER TO RATEPAYERS. The charge for all water delivered through a metered service where the meters are read for billing purposes, as practical, and as determined by the Finance Director, or designee, with the concurrence of the Public Works Director after December 31, 2004, set forth in the *Water Utility Cost of Service Rate Study* prepared by Foresight Consulting, accepted by Council on September 14, 2004, shall be:

Proposed Monthly Metered Water Rates (by meter size)					
	Year 1 1-Jan-05	Year 2 1-Jul-05	Year 3 1-Jul-06	Year 4 1-Jul-07	Year 5 1-Jul-08
Volume-based Rate (\$/hcf)	\$0.84	\$1.01	\$1.16	\$1.22	\$1.28
Fixed Monthly Meter Charge (in addition to volume-based charges)					
5/8"-3/4" meter	\$9.01	\$10.82	\$12.44	\$13.06	\$13.71
1" meter	\$12.78	\$15.34	\$17.64	\$18.52	\$19.45
1-1/2" meter	\$22.13	\$26.55	\$30.53	\$32.06	\$33.66
2" meter	\$33.38	\$40.06	\$46.06	\$48.37	\$50.79
3" meter	\$63.43	\$76.12	\$87.53	\$91.91	\$96.51
4" meter	\$97.19	\$116.63	\$134.13	\$140.83	\$147.88
6" meter	\$190.95	\$229.14	\$263.51	\$276.68	\$290.51
8" meter	\$303.49	\$364.19	\$418.82	\$439.76	\$461.75
10" meter	\$434.84	\$521.80	\$600.07	\$630.08	\$661.58
12" meter	\$809.95	\$971.95	\$1,117.74	\$1,173.62	\$1,232.31

hcf = Hundred cubic feet

The above listed fixed meter charges shall be charged to all ratepayers in every billing cycle. This fixed cost will be charged whether or not any water is actually used by a ratepayer in a given billing cycle until such time as water service is terminated by the customer.

The proposed rate increase(s) are based on currently available information. The actual bills are rounded and may be slightly different than listed above.

**SECTION 7. CHARGES FOR UNMETERED WATER SERVICES.**

The charge for all water delivered from an unmetered service after December 31, 2004, has been cost-estimated as closely as possible to average metered rates as follows: Until such time as the subject residential property is billed at a metered rate:

Proposed Monthly SFR Flat Water Rates*					
	Year 1	Year 2	Year 3	Year 4	Year 5
	1 Jan-05	1-Jul-05	1-Jul-06	1-Jul-07	1-Jul-08
0-5,000 sq. ft. lot	\$24.47	\$29.36	\$33.77	\$35.45	\$37.23
5,001-7,000 sq. ft. lot	\$27.81	\$33.37	\$38.38	\$40.30	\$42.31
7,001-11,000 sq. ft. lot	\$33.00	\$39.60	\$45.54	\$47.82	\$50.21
11,001-17,000 sq. ft. lot	\$35.03	\$42.04	\$48.34	\$50.76	\$53.30
Over 17,000 sq. ft. lot	\$41.19	\$49.42	\$56.84	\$59.68	\$62.66

SFR = Single Family Residential

\* If a SFR property has a water meter that is read, then the appropriate Metered Water Rate will be used.

The proposed rate increase(s) are based on currently available information. The actual bills are rounded and may be slightly different than listed above.

When water service is turned on or off anytime between the beginning and end of a billing cycle, the amount charged to an unmetered (flat-rate) service shall be pro-rated.

**SECTION 8. RESCISSION OF ALL PREVIOUS RESOLUTIONS RELATING TO WATER DELIVERY OR WATER OPERATIONS AND MANAGEMENT.** All resolutions of the City Council setting any rates or fees whatsoever for the delivery of water, or for costs associated with operation or management of the water System, are hereby rescinded; except that water rates

established by the rescinded resolutions shall remain in effect until the rates established in this resolution take effect on January 1, 2005. This resolution shall be the sole basis for determining any water fee to be charged to a ratepayer or potential ratepayer, or paid on behalf of a potential ratepayer by the City on and after January 1, 2005.

SECTION 9. COST OF METERS AND INSTALLATION. The cost of meters and of meter installation and repair for existing ratepayers when this resolution is enacted has been included in the fixed cost assigned to the rate base for water consumption, since metering has been determined to benefit the rate base as a whole.

SECTION 10. CONNECTION FEES. The law requires that charges attributable purely to growth (new connections) be borne solely by those new connections. Accordingly, the planned infrastructure cost for deficiencies in the existing System, and for costs associated with new growth have been apportioned as follows: 74.2% attributable to existing deficiencies and 25.8% attributable to new growth. These percentages have been applied to anticipated capital costs on a going forward basis for the five-year period following the date of this resolution. Combined with the growth-induced component of water acquisition costs and the apportioned cost of "buying-into" the existing system, this will result in the establishment of connection charges. The connection fee study is incomplete at the date of this resolution. This resolution will be restated and amended to include appropriate charges when the City Council has accepted the subject report. Until then, existing connection fees are restated and made applicable to growth by Section 14 of this resolution.

SECTION 11. WATER DISCOUNT FOR LOW INCOME SENIOR CITIZENS AND LOW INCOME DISABLED. The law prohibits all such cross-category

subsidies requiring one ratepayer to subsidize the costs of another. Accordingly, the City Council may from time to time, by separate resolution, enact subsidies for certain categories of ratepayers, as the City Council may see fit, provided that the source(s) of funds to implement such subsidies are source(s) separate from the water enterprise fund.

SECTION 12. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The costs of service set forth above shall be re-examined every two years by engineers, consultants, and professionals competent in the field. Such engineers, consultants and professionals shall provide a report to the City updating both fixed and volume based costs as appropriate and as recommended to the Council by the Finance Director and the Public Works Director. After June 30, 2009, the Finance Director, or designee, with the concurrence of the Public Works Director, shall have the authority, on an annual basis, to raise either fixed or variable costs, or both, as appropriate, by an amount not to exceed the percentage increase in the Consumer Price Index (CPI), Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, as prepared by the California Department of Finance Demographics Research Unit.

SECTION 13. WATER CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION.

- (a) The water service charge furnished to single-family residences, duplexes, and triplexes that are under construction will be a flat rate charge based on the formula below. This charge will be assessed and paid at the time of building permit issuance.

120 Day Residential Construction Water Rate:  
Current Flat Rate for Smallest Lot Area + Current City  
Utility Tax x 4 months

- (b) The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on

the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

- (c) In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.
- (d) In the event a structure is occupied before final inspection of the structure, or water is used for other than normally required for construction, the water service charge will be made at the established rate for regular service.
- (e) Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

**SECTION 14. Fixed fees for all System operations and management**

services have been calculated and are hereby imposed as follows:

FEE	AMOUNT
Deposit	Not to exceed 3 times the estimated average bill or 2 times the normal monthly bill.
Disconnect	\$10.00
Reconnect	\$10.00
Late Payment Penalty	\$4.35
Returned Check	\$10.00
Collection Agency	\$16.50
Water Disconnection Notice (final notice mailed or doorhangers)	\$10.00
Unauthorized Reconnect (illegal on)	\$25.00
Lock Breakage/Lock Replacement	\$75.00
Disconnect Waterline at Main for Non-payment (line cut)	\$375.00
Connection Charge	\$.05 per sq. ft. of gross lot area
Water Main Installation Charge	\$18.00 per lineal foot of lot frontage
Water Service Installation Charge	
1" Service	\$1,108.00
1-1/2" Service	\$1,130.00
2" Service	\$1,156.00
4" Service	\$2,131.00
6" Service	\$2,131.00
8" Service	\$2,347.00
10" Service or larger	At Cost

Water Meter Fee	
1" Meter/New Service - pedestrian lid	\$115.00
1" Meter/New Service - traffic lid	\$176.00
1" Meter/Retrofit Service - pedestrian lid	\$520.00
1" Meter/Retrofit /Service - traffic lid	\$600.00
1-1/2" Meter with pedestrian lid	\$484.00
1-1/2" Meter with traffic lid	\$545.00
2" Meter with pedestrian lid	\$520.00
2" Meter with traffic lid	\$582.00
4" Meter	\$1,820.00
6" Meter	\$2,400.00
8" Meter	\$3,350.00
10" Meter or larger	At Cost
Pavement	\$439.00 for each trench
Parcel Reduction	\$37.00
Water Connection for Main extension	\$2,820.00
Reimbursement Agreement Preparation	\$175.00
Outside City Limits Agreement	\$35.00
Fire Hydrant Installation (each)	\$2,635.00
Fire Hydrant Line from Main per Lineal Foot	\$3.00
Pavement Replacement	\$439.00
Fire Main Test	\$90.00
Deposit to Install Meter on Fire Hydrant for Construction Water	\$500.00
Fire Hydrant Meter Use Deposit	\$500.00
Fire Service Installation Inspection/Test	\$90.00
Install 4" Single Check Valve	\$390.00
Install 6" Single Check Valve	\$479.00
Install 8" Single Check Valve	\$688.00
Voluntary Installation of Fire Sprinklers, Apartments	8.3% of normal charge
Voluntary Installation of Fire Sprinklers, SFD, Duplexes, Townhouses	\$50.00

SECTION 15. This resolution shall become effective on and after January 1, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of November, 2004, by Councilmember Dunbar, who moved its adoption, having duly noted the failure of the rate base to protest under Sections 13C and 13D of the California constitution, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
Mayor Ridenour

NOES: Councilmembers: O'Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-628

**A RESOLUTION APPROVING AMENDMENTS TO THE POLICY AGAINST HARASSMENT AND DISCRIMINATION AND THE COMPLAINT PROCEDURE FOR ALLEGED VIOLATIONS OF THAT POLICY TO SHIFT THE PRIMARY RESPONSIBILITY FOR FORMAL INVESTIGATIONS OF ALLEGED VIOLATIONS TO THE CITY ATTORNEY.**

WHEREAS, upon the advice of outside counsel the City Council has determined that it is in the best interest of the City to amend the City's Policy Against Harassment and Discrimination and the procedure for investigating violations of that policy to the City Attorney,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto Policy Against Harassment and Discrimination is hereby amended as set forth in **Exhibit "A"** and the City of Modesto Complaint Procedure in Violation of Policy Against Harassment and Discrimination is hereby amended as set forth in **Exhibit "B"**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## CITY OF MODESTO POLICY AGAINST HARASSMENT AND DISCRIMINATION

It is the policy of the City of Modesto that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Modesto to treat its citizens, customers and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, volunteer, consultant or non-employee because of their race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation or political affiliation or belief will be subject to disciplinary action up to and including termination.

### **Definition of Harassment**

Harassment based on a person's race, color, ancestry, religion or creed, sex, national origin, marital status, age, mental or physical disability, or perceived disability, medical condition, pregnancy-related condition, sexual orientation, or political affiliation or belief can constitute a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and/or the City of Modesto's Equal Opportunity Policy. Harassment based on a person's race, color, ancestry, religion or creed, sex, national origin, marital status, age, mental or physical disability, or perceived disability, medical condition, pregnancy-related condition, sexual orientation, or political affiliation or belief occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation or political affiliation or belief; and,
2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual's emotional well being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act, and Fair Employment Housing Act.

Conduct is considered sexual harassment when:

- a. Submission is made an express or implied term or condition of employment; or
- b. Submission to or rejection of the harassing act is used as a basis for employment or business decisions affecting an individual; or
- c. Such conduct may have the purpose or effect of interfering with an individual's work performance and/or may create an intimidating, hostile or otherwise offensive work or business environment.

## Examples of Harassment

- Written examples include suggestive or obscene letters, notes, jokes, e-mails and invitations.
- Verbal examples include derogatory comments, slurs, jokes, and racial epithets.
- Physical examples include assault, touching, impeding or blocking movements.
- Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include, but are not limited to, threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

## Retaliation

It is also a violation of this Policy for an employee to retaliate against the complainant(s), witness(es) or other parties to a complaint of discrimination or harassment. A verified allegation of retaliation will be treated the same as any other violation of this Policy and may result in action taken against the retaliator, even if the original complaint is not determined to have merit.

## Responsibilities

1. Except as set forth below, the The City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The City Attorney designated Equal Opportunity Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Supervisor.
3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Director, or the City Attorney City's designated Equal Opportunity Officer or Personnel Director.

## Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisor or Department Director, and to the City Attorney or to the City's designated Equal Opportunity Officer or the Personnel Director. The City Attorney Equal Opportunity Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in Exhibit B to the City's Equal Opportunity Plan.

**CITY OF MODESTO  
COMPLAINT PROCEDURE  
VIOLATION OF POLICY AGAINST HARASSMENT AND DISCRIMINATION**

1. **Intent** - Any person who feels that he/she has encountered discrimination and/or harassment is encouraged to come forward and present that information. All complaints are kept confidential to the extent permitted by law. However, it should be noted that when a supervisor or other management employee is made aware of a situation of potential harassment or discrimination, he/she is required to take steps to verify whether or not the discrimination/harassment occurred and to take whatever action is necessary to correct the situation. A prompt and appropriate investigation may require disclosure of the allegations, the person making the allegations and may necessitate the use of other parties to assist in the investigation.

It is the intent of this procedure to provide an effective means for resolving individual or group problems of a sensitive nature quickly and with a minimum of formal procedural requirements.

2. **Scope** - This procedure should be used for perceived discrimination or harassment based on age (40 and over), ancestry, color, mental or physical disability including HIV and AIDS or perceived disability, marital status, medical condition (cancer and genetic characteristics), pregnancy-related condition, national origin, race, religion or creed, sex, sexual orientation or political affiliation or belief.
3. **Limitations** - This procedure for resolving complaints of discrimination and harassment is not intended to supplant or prohibit employees or applicants from filing complaints with the federal Equal Employment Opportunity Commission (EEOC), the state Department of Fair Employment and Housing (DFEH), other appropriate state or federal agencies, or with the courts.

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**PROCEDURE:**     **The procedure for reporting incidents of discrimination or harassment is meant to be as flexible as possible. It is the goal that complaints be resolved informally, if possible. If informal resolution is not achieved, then a process for formal resolution is provided.**

- a) Complainants should come forward as soon as possible after an incident of harassment or discrimination. Generally, an issue or concern should be raised no later than 30 days from the date the complainant knew or should have known about the incident.
- b) Complainants have the option of contacting their immediate supervisor for assistance or contacting the City Attorney~~designated Equal Opportunity Officer or the Personnel Director~~. If an employee goes directly to a supervisor, the supervisor should notify the City Attorney ~~designated Equal Opportunity Officer~~ that he/she has received the complaint. This can be done informally and confidentially.
- c) Depending on the nature of the complaint, the supervisor may refer the complaint immediately to the City Attorney so that ~~conduct~~ a formal investigation, be conducted. Alternatively, the supervisor may conduct an informal investigation or may recommend

an alternative means of dispute resolution. If the complainant declines the informal or alternative process, a formal investigation by the City Attorney will be initiated.

- d) The City Attorney supervisor, designated Equal Opportunity Officer or other investigator should begin a confidential investigation of the complaint as soon as possible. A reasonable time line to begin an internal investigation would be two-five (2-5) working days, depending on employees' work schedules.
- e) The complainant should be assured that the matter will be kept confidential to the extent possible, but be advised that a full investigation will include advising the alleged discriminator/harasser of the charges and interviewing witnesses. The alleged discriminator/harasser should be cautioned that DFEH, EEOC and this Policy prohibit any retaliation against the complainant, witnesses or other parties to the complaint. A verified allegation of retaliation will be treated as a violation of this policy and the City may take action against the retaliator, even if the original complaint is not determined to have merit.
- f) The investigation may include witness interviews, review of documents or materials and discussions with the complainant and the alleged discriminator/harasser. Witnesses shall be directed to maintain confidentiality during the investigation and shall be admonished not to engage in retaliation against either the complainant or alleged discriminator/harasser.
- g) The investigation should be completed in a timely manner. If the investigation will require greater than 30 days, the investigator or department shall notify the complainant of the status of the investigation and anticipated completion date.
- h) The investigator will prepare a written report including a finding related to each allegation. The complainant and the alleged discriminator/harasser shall be notified of the findings.
- i) If the investigator finds that discrimination or harassment has occurred, the department management, in consultation with the City Attorney and the designated Equal Opportunity Officer or Personnel Director, shall determine what remedial action is appropriate. Remedial action may include but is not limited to coaching the responsible employee, training, a record of discussion, written reprimand, or formal discipline.
- j) If the complainant has first taken their complaint to a supervisor and is not satisfied with the supervisor's or department's timeliness or efforts, he/she may then contact the City Attorney and designated Equal Opportunity Officer or the Personnel Director. He/she should notify the department that this is being done. If the supervisor or department cannot effect conciliation and negotiation within a reasonable amount of time, the complainant should contact the City Attorney designated Equal Opportunity Officer. The City Attorney designated Equal Opportunity Officer may assist the department in completing the investigation or in identifying an alternate investigator to complete the confidential investigation and come to a resolution.
- k) The complainant should be notified that he/she has the right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC) or the state Department of

Fair Employment and Housing (DFEH) or other appropriate state or federal agency or the court.

- 1) Complaints against the City Attorney shall be made to and investigated by the City Manager in a manner consistent with this procedure who shall report his/her findings to the City Council who shall determine the appropriate remedial action.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 629**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
CONFIRMING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION  
WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 2, 2004,  
AND DECLARING THE RESULTS OF SAID SPECIAL ELECTION.**

WHEREAS, on Tuesday, November 2, 2004, a Special Municipal Election was held in the City of Modesto (herein called "City") of Stanislaus County to submit to the qualified electors in the City of Modesto an advisory measure, as follows:

1. **Measure "D" relating to the "Robertson Road Infill Area" sewer service extension, and**

WHEREAS, said election was held on Tuesday, November 2, 2004, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said special municipal election in accordance with law and certified the results of the election to the Council by a Certificate Of Canvass And Statement of Vote dated November 30, 2004, a copy of which is attached hereto marked **Exhibit "A"** and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Vote and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Sections 15374 of the Elections Code, a copy of said Certificate of Canvass and Statement of Vote, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

- (a) The whole number of votes cast in the City.
- (b) The number of votes given in the City for Measure D.

SECTION 3. The following votes were cast for Measure D:

<b>Measure</b>	<b>Total Votes For</b>	<b>Total Votes Against</b>
Measure D	36,532	21,436

**Measure D.** A majority of all of the votes cast at the election on Measure D were in favor of said "Robertson Road Infill Area" Sewer Service Extension, and said Measure carried and was approved and was ratified by a majority of the qualified voters voting on Measure D.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

STATEMENT OF VOTE  
OF  
STANISLAUS COUNTY  
STATE OF CALIFORNIA  
CAST AT THE  
*PRESIDENTIAL GENERAL ELECTION*  
HELD  
TUESDAY, NOVEMBER 2, 2004

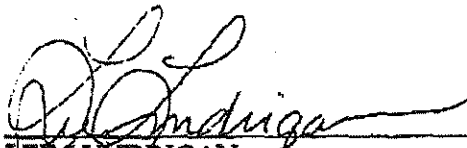


State of California  
ss }  
County of Stanislaus

I, LEE LUNDRIGAN, County Clerk Recorder of the above named county, do hereby certify, in pursuance of the provisions of Section 15301 of the Elections Code, that the within is a true and correct statement of result of the votes cast in this county at the Presidential General Election held on Tuesday November 2, 2004 as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 22nd day of November 2004.



  
LEE LUNDRIGAN  
County Clerk Recorder / Registrar of Voters

## DISTRICT CANVASS

STANISLAUS COUNTY, CALIFORNIA  
GENERAL ELECTION  
NOVEMBER 2, 2004

## OFFICIAL RESULTS

PRINTED 11/29/04, 09:26 AM

PAGE 167

	R E G I S T E R E D	V O T E R S A A L S O T S E	T P U E R R N C O E U N T Y A G E E	D MODESTO CITY			
				Y E S	N O	O V V O T E R S	U N O T E E R S
147 PRECINCTS							
COUNTY TOTAL	96560	65447	67.78	36532	21463	27	7425
VOTING PRECINCTS	96560	37599	38.94	20999	11897	24	4679
ABSENTEE PRECINCTS	0	27848		15533	9566	3	2746
1ST SUPERVISORIAL	18234	13065	71.65	7100	4453	5	1507
3RD SUPERVISORIAL	28522	17517	61.42	10045	5430	8	2034
4TH SUPERVISORIAL	47673	33730	70.75	18519	11413	13	3705
5TH SUPERVISORIAL	2131	1135	53.26	868	167	1	99
SUPERVISORIAL TOTAL	96560	65447	67.78	36532	21463	27	7425
12TH SENATORIAL DIST	67694	43729	64.60	25172	13735	14	4808
14TH SENATORIAL DIST	28866	21718	75.24	11360	7728	13	2617
SENATE TOTAL	96560	65447	67.78	36532	21463	27	7425
CITY OF MODESTO	96560	65447	67.78	36532	21463	27	7425
CITY TOTAL	96560	65447	67.78	36532	21463	27	7425
18TH CONGRESSIONAL	60341	38064	63.08	22031	11811	12	4210
19TH CONGRESSIONAL	36219	27383	75.60	14501	9652	15	3215
CONGRESSIONAL TOTAL	96560	65447	67.78	36532	21463	27	7425
25TH ASSEMBLY DIST	83726	58862	70.30	32211	19864	22	6765
26TH ASSEMBLY DIST	12834	6585	51.31	4321	1599	5	660
ASSEMBLY TOTAL	96560	65447	67.78	36532	21463	27	7425
BOARD OF EQUALIZATION 2	96560	65447	67.78	36532	21463	27	7425

147 PRECINCTS				R V E O G T I E S R T S E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T T A G E	D MODESTO CITY			
				Y E S	N O	O V V O E T R E S	U V N O D T E E R S			
0049	049	117001	MODESTO	892	361	40.47	221	98	0	42
0050	050	117002	MODESTO	906	338	37.31	186	114	1	37
0051	051	117003	MODESTO	1101	375	34.06	281	57	1	36
0052	052	117004	MODESTO	841	181	21.52	142	27	0	12
0053	053	117005	MODESTO	1034	266	25.73	189	49	1	27
0054	054	117006	MODESTO	935	174	18.61	126	24	1	23
0055	055	117007	MODESTO	908	281	30.95	154	83	0	44
0056	056	117008	MODESTO	837	228	27.24	147	54	0	27
0057	057	117009	MODESTO	652	212	32.52	118	58	1	35
0058	058	117010	MODESTO	1062	381	35.88	192	145	0	44
0059	059	117012	MODESTO	904	270	29.87	175	68	0	27
0060	060	117013	MODESTO	646	250	38.70	147	77	0	26
0061	061	117014	MODESTO	809	275	33.99	141	96	0	38
0062	062	117015	MODESTO	854	310	36.30	177	98	0	35
0063	063	117016	MODESTO	1221	445	36.45	243	137	1	64
0064	064	117017	MODESTO	973	340	34.94	194	97	0	49
0065	065	117018	MODESTO	516	203	39.34	127	52	0	24
0066	066	117019	MODESTO	1048	377	35.97	202	125	0	50
0067	067	117020	MODESTO	678	251	37.02	130	98	1	22
0068	068	117021	MODESTO	912	333	36.51	181	103	0	49
0069	069	117022	MODESTO	758	304	40.11	190	90	0	24
0070	070	117023	MODESTO	550	142	25.82	86	41	0	15
0071	071	117024	MODESTO	827	295	35.67	194	64	0	37
0072	072	117025	MODESTO	731	218	29.82	137	57	0	24
0073	073	117027	MODESTO	723	368	50.90	212	102	0	54
0074	074	117028	MODESTO	666	215	32.28	125	59	0	31
0075	075	117029	MODESTO	1057	396	37.46	242	114	0	40
0076	076	117030	MODESTO	896	349	38.95	200	112	0	37
0077	077	117031	MODESTO	1108	435	39.26	226	156	0	53
0078	078	117032	MODESTO	1047	382	36.49	219	107	0	56
0079	079	117033	MODESTO	1152	525	45.57	317	138	0	70
0080	080	117034	MODESTO	579	224	38.69	130	67	0	27
0081	081	117036	MODESTO	1157	434	37.51	227	145	0	62
0082	082	117038	MODESTO	629	248	39.43	144	80	0	24
0083	083	117039	MODESTO	640	249	38.91	144	76	0	29
0084	084	117040	MODESTO	1045	400	38.28	229	123	1	47
0085	085	117042	MODESTO	819	371	45.30	214	113	0	44
0086	086	117043	MODESTO	1173	391	33.33	222	121	0	48
0087	087	117044	MODESTO	481	191	39.71	103	60	0	28
0088	088	117046	MODESTO	1144	403	35.23	205	146	1	51
0089	089	117047	MODESTO	831	343	41.28	183	119	1	40
0090	090	117048	MODESTO	995	435	43.72	226	155	0	54
0091	091	117050	MODESTO	881	346	39.27	199	108	0	39
0092	092	117051	MODESTO	1201	394	32.81	213	123	1	57
0093	093	117053	MODESTO	886	265	29.91	159	75	0	31
0094	094	117055	MODESTO	769	297	38.62	155	108	0	34
0095	095	117056	MODESTO	719	251	34.91	135	89	0	27
0096	096	117057	MODESTO	512	169	33.01	93	55	0	21
0097	097	117058	MODESTO	1000	285	28.50	176	78	0	31
0098	098	117059	MODESTO	680	288	42.35	164	97	0	27

DISTRICT CANVASS

STANISLAUS COUNTY, CALIFORNIA  
GENERAL ELECTION  
NOVEMBER 2, 2004

OFFICIAL RESULTS

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PAGE 169

147 PRECINCTS				R E G I S T E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T Y A G E	D MODESTO CITY			Y E S	N O	O V V O T E R S	U N D E R S
0099	099	117060	MODESTO	825	322	39.03	185	102	0	35			
0100	100	117061	MODESTO	1156	570	49.31	328	186	0	56			
0101	101	117062	MODESTO	751	387	51.53	211	133	0	43			
0102	102	117063	MODESTO	1062	254	23.92	194	32	0	28			
0103	103	117064	MODESTO	609	215	35.30	130	53	0	32			
0104	104	117065	MODESTO	417	166	39.81	113	32	0	21			
0105	105	117066	MODESTO	820	319	38.90	173	105	0	41			
0106	106	117068	MODESTO	739	267	36.13	156	88	0	23			
0107	107	117069	MODESTO	1130	406	35.93	188	145	0	73			
0108	108	117070	MODESTO	969	419	43.24	213	153	0	53			
0109	109	117071	MODESTO	1281	545	42.54	280	174	1	90			
0110	110	117073	MODESTO	1028	405	39.40	319	51	0	35			
0111	111	117074	MODESTO	836	348	41.63	197	118	0	33			
0112	112	117075	MODESTO	992	311	31.35	171	103	0	37			
0113	113	117076	MODESTO	1144	404	35.31	228	127	0	49			
0114	114	117077	MODESTO	838	287	34.25	143	111	0	33			
0115	115	117078	MODESTO	1029	415	40.33	225	140	0	50			
0116	116	117080	MODESTO	804	318	39.55	173	107	0	38			
0117	117	117081	MODESTO	1174	462	39.35	239	164	0	59			
0118	118	117084	MODESTO	899	427	47.50	240	132	0	55			
0119	119	117085	MODESTO	812	289	35.59	134	115	0	40			
0120	120	117086	MODESTO	532	205	38.53	115	67	0	23			
0121	121	117088	MODESTO	831	348	41.88	171	137	0	40			
0122	122	117090	MODESTO	963	385	39.98	207	123	0	55			
0123	123	117091	MODESTO	663	252	38.01	128	87	1	36			
0124	124	117093	MODESTO	1023	333	32.55	198	108	0	27			
0125	125	117094	MODESTO	990	311	31.41	180	90	0	41			
0126	126	117095	MODESTO	1343	580	43.19	310	203	1	66			
0127	127	117097	MODESTO	1075	475	44.19	266	146	1	62			
0128	128	117098	MODESTO	371	179	48.25	89	62	0	28			
0129	129	117099	MODESTO	887	247	27.85	133	81	0	33			
0130	130	117100	MODESTO	837	313	37.40	143	133	0	37			
0131	131	117101	MODESTO	1001	363	36.26	190	138	1	34			
0132	132	117104	MODESTO	535	176	32.90	108	52	0	16			
0133	133	117105	MODESTO	984	302	30.69	182	77	0	43			
0134	134	117106	MODESTO	994	410	41.25	212	140	0	58			
0135	135	117109	MODESTO	762	271	35.56	150	81	0	40			
0136	136	117110	MODESTO	1003	384	38.29	191	141	0	52			
0137	137	117111	MODESTO	936	441	47.12	241	142	1	57			
0138	138	117112	MODESTO	942	433	45.97	228	140	1	64			
0139	139	117113	MODESTO	645	325	50.39	161	116	0	48			
0140	140	117115	MODESTO	755	177	23.44	130	26	1	20			
0141	141	117118	MODESTO	1081	467	43.20	240	173	0	54			
0142	142	117119	MODESTO	936	320	34.19	174	116	0	30			
0143	143	117120	MODESTO	735	310	42.18	164	84	0	62			
0144	144	117121	MODESTO	996	444	44.58	237	134	0	73			
0145	145	117123	MODESTO	842	391	46.44	203	123	0	65			
0146	146	117125	MODESTO	650	272	41.85	121	108	0	43			
0147	147	117126	MODESTO	332	116	34.94	59	38	0	19			
0148	148	117129	MODESTO	533	236	44.28	125	76	0	35			

147 PRECINCTS				R E G I S T E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T A G E	D MODESTO CITY		Y E S	N O	O V V O T E R S	U N D E R S
0149	149	117136	MODESTO	883	388	43.94	202	137	1	48		
0150	150	117147	MODESTO	516	218	42.25	116	69	1	32		
0151	151	117154	MODESTO	1185	483	40.76	259	158	1	65		
0152	152	117160	MODESTO	685	214	31.24	132	57	0	25		
0153	153	117162	MODESTO	620	279	45.00	132	107	0	40		
0154	154	117163	MODESTO	1050	487	46.38	255	165	0	67		
0155	155	117165	MODESTO	887	393	44.31	206	140	1	46		
0282	282	917026	MODESTO	205	127	61.95	76	26	0	25		
0283	283	917049	MODESTO	2	1	50.00	0	1	0	0		
0284	284	917052	MODESTO	213	104	86.38	109	59	0	16		
0285	285	917079	MOD79/12	294	191	64.97	88	85	0	18		
0286	286	917087	MODESTO	0	0		0	0	0	0		
0287	287	917096	MODESTO	266	189	71.05	99	75	0	15		
0288	288	917114	MODESTO	0	0		0	0	0	0		
0289	289	917116	MODESTO	234	153	65.38	79	61	0	13		
0290	290	917117	MODESTO	215	166	77.21	72	68	0	26		
0291	291	917126	MODESTO	287	172	59.93	88	75	0	9		
0292	292	917127	MODESTO	224	175	78.13	109	51	1	14		
0293	293	917130	MODESTO	206	146	70.87	95	33	0	18		
0294	294	917131	MOD 131/	265	214	80.75	120	72	0	22		
0295	295	917132	MODESTO	159	138	86.79	86	35	0	17		
0296	296	917139	MODESTO	206	149	72.33	73	43	0	33		
0297	297	917141	MODESTO	226	139	61.50	69	54	0	16		
0298	298	917143	MOD 143/	201	133	66.17	76	47	0	10		
0299	299	917146	MODESTO	291	186	63.92	93	70	0	23		
0300	300	917148	MODESTO	92	29	31.52	17	7	0	5		
0301	301	917150	MODESTO	271	179	66.05	110	51	0	18		
0334	334	ABSENTEE 1		0	0		0	0	0	0		
0339	339	ABSENTEE 6		0	927		498	341	0	88		
0340	340	ABSENTEE 7		0	611		348	192	0	71		
0342	342	ABSENTEE 9		0	4189		2306	1460	0	423		
0343	343	ABSENTEE 10		0	7500		4295	2502	1	702		
0345	345	ABSENTEE 12		0	112		88	18	0	6		
0346	346	ABSENTEE 13		0	792		566	166	0	60		
0347	347	ABSENTEE 14		0	1271		732	417	0	122		
0349	349	ABSENTEE 16		0	354		268	58	0	28		
0352	352	ABSENTEE 19		0	0		0	0	0	0		
0354	354	ABSENTEE 21		0	121		78	31	0	12		
0355	355	ABSENTEE 22		0	5		3	2	0	0		
0357	357	ABSENTEE 24		0	0		0	0	0	0		
0359	359	ABSENTEE 26		0	1416		635	476	0	105		
0361	361	ABSENTEE 28		0	131		73	49	0	9		
0362	362	ABSENTEE 29		0	1185		622	426	0	137		
0369	369	ABSENTEE 36		0	1615		819	633	0	163		
0374	374	ABSENTEE 41		0	1147		624	383	0	140		
0379	379	ABSENTEE 46		0	1738		927	626	2	183		
0380	380	ABSENTEE 47		0	4734		2451	1786	0	497		
GRAND TOTALS				96560	65447	67.78	36532	21463	27	7425		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-630**

**A RESOLUTION APPROVING SEWER SERVICE TO THE ROBERTSON  
ROAD NEIGHBORHOOD.**

WHEREAS, City owns, operates and maintains a sewer district which is designated and intended to serve residents and businesses located in the greater Modesto area, and

WHEREAS, there exists an unincorporated County island within the City limits which is commonly known as the Robertson Road Neighborhood, and

WHEREAS, County has requested that City sewer district provide sewer service to the infill area, and

WHEREAS, City and County entered into a Public Improvement Agreement in July, 2004, which provides, among other things, that City will consider providing sewer service to the Robertson Road Neighborhood after first holding an advisory election pursuant to the Modesto Citizens Advisory Growth Management Act, commonly known as Measure A and the Modesto Citizens Advisory Growth Management Act of 1995, commonly known as Measure M, and

WHEREAS, said advisory election was held on November 2, 2004, and

WHEREAS, the results of such advisory election were that a majority of the voters of Modesto approved of providing sewer service to the Robertson Road Area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of providing sewer service to the Robertson Road Infill Area pursuant to the terms and conditions of the Public Improvement Agreement entered into between the City and the County in July, 2004, a copy of which is attached hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-631**

**A RESOLUTION SUPPORTING THE GREAT VALLEY CENTER ROUTE 99  
CORRIDOR IMPROVEMENT GUIDE**

WHEREAS, the Great Valley Center is a regional nonprofit organization working to make California's Central Valley a better place to live by supporting organizations and activities that promote the economic, social, and environmental well-being of the region, and

WHEREAS, the Highway 99 Task Force is an integral part of the Great Valley Center and specifically, a collaborative effort composed of business, community, and government leaders from jurisdictions throughout the San Joaquin Valley, focused on the improvement of the Route 99 Corridor from Kern County through the San Joaquin Valley communities, and

WHEREAS, Scenic California is also an integral part of the Great Valley Center with the mission of promoting and carrying out programs that protect the natural beauty of the environment, landscapes and streetscapes, historical and cultural resources, and enhancement of scenic approaches and settings to cities, counties, and towns, and

WHEREAS, Highway 99 is a key economic and transportation corridor of the San Joaquin Valley, and

WHEREAS, Highway 99 represents a common thread of history and culture to the people and communities from Kern County through the San Joaquin Valley, and

WHEREAS, the Highway 99 Task Force has composed a written "Route 99 Corridor Improvement Guide" which, among other things, identifies practical guidance to communities attempting to improve the Route 99 Corridor,

NOW, THEREFORE, incorporating the above recitals herein, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Modesto City Council appreciates the dedication and efforts of the individuals, companies, and other groups which comprise the Great Valley Center, the Highway 99 Task Force, and the Scenic California organization and their combined efforts to enhance Highway 99 and our community.

2. That the Modesto City Council recognizes the significance of promoting and beautifying Highway 99.

3. That the Modesto City Council supports the concepts contained in the written "Route 99 Corridor Improvement Guide", published May 2004/Version 1.0.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-632**

**A RESOLUTION GRANTING A CAPITAL FACILITY FEE CREDIT IN THE  
AMOUNT OF \$3,819 FOR ELWYN AND MARY HEINEN FOR THEIR  
PREVIOUSLY DEMOLISHED UNIT**

WHEREAS, previously, the City granted capital facility fee, CFF, credits for buildings that previously existed,

WHEREAS, Elywn and Mary Heinen had previously received a fee credit from the City of Modesto in 1995 for a demolished home,

WHEREAS, Elwyn and Mary Heinen were told by the City of Modesto, and the City's software supports that a fee credit is owed,

NOW, THEREFORE, BE IT RESOLVED that a fee credit in the amount of \$3,819 be granted to Elwyn and Mary Heinen.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-633**

**A RESOLUTION APPROVING THE DELAY OF CONSIDERATION FOR FY  
05-06 SUPPLEMENTAL BUDGET REQUESTS UNTIL FINANCIAL  
REPORTING FOR FY 04-05 IS COMPLETE.**

WHEREAS, supplemental budget requests have historically been developed and reviewed by the City Council during the operating budget development process, and

WHEREAS, this process does not provide for a complete accounting of the prior year's financial status, and

WHEREAS, by delaying the review of these requests the City Council will have access to better financial data in their decision-making process, and

WHEREAS, at its meeting of November 15, 2004, the Finance Committee approved delaying the review of these supplemental budget requests,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the delay of FY 05-06 supplemental budget requests until the completion of FY 04-05 financial reporting.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary scheduling changes to implement this budget policy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-634**

**A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBANIZED AREA NEED-BASIS PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR RENOVATION OF THE MADDUX YOUTH CENTER, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE GRANT APPLICATION**

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION ACT OF 2002 which provides funds to the State of California for grants to eligible applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Roberti-Z' Berg-Harris Urbanized Area Need-Basis Program for grants and the grant Project shown above within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby:

1. Approves the filing of an Application for local assistance funds from the Roberti-Z' Berg-Harris Urbanized Area Need-Basis Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and

2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project; and Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
3. Certifies that the Grantee has or will have available, prior to commencement of any work on the Project, the required Match; and
4. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and
5. Appoints the Acting City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

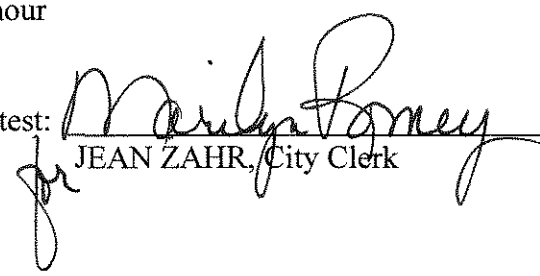
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

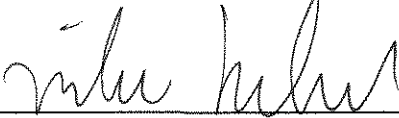
ABSENT: Councilmembers: Mayor Ridenour

Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:



MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-635**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE STANISLAUS  
COMMUNITY FOUNDATION TO ACT AS THE CITY'S FISCAL AGENT FOR  
ACCEPTANCE OF ENDOWMENTS AND GIFTS FOR OPEN SPACE  
DEVELOPMENT AND PROGRAM ACTIVITIES, AND AUTHORIZING THE  
ACTING CITY MANAGER TO SIGN THE AGREEMENT.**

WHEREAS, on February 25, 2003, the City Council by Resolution No. 2003-95 accepted the Parks, Recreation and Neighborhoods Department's first Fund Development Report, and

WHEREAS, as part of City Council Resolution No. 2003-95, staff was directed to negotiate an agreement with the Stanislaus Community Foundation to allow the Parks, Recreation and Neighborhoods Department to be eligible for grants for which government agencies are not eligible, and

WHEREAS, the Stanislaus Community Foundation is a 501(c)(3) nonprofit organization governed by a board of private citizens chosen to represent the public interest, and

WHEREAS, the Stanislaus Community Foundation will be a vehicle for acceptance of endowments and gifts for open space development and program activities, and

WHEREAS, the Stanislaus Community Foundation will provide a means to invest and manage gifts for park and recreation purposes, and

WHEREAS, this item was considered and supported at the August 11, 2004, Finance Committee meeting,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Modesto hereby approves an agreement with the Stanislaus Community Foundation, for the Foundation to act as the City's fiscal agent for acceptance of endowments and gifts for open space development and program activities.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to sign the agreement with the Stanislaus Community Foundation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-636**

**A RESOLUTION TO SUPPLEMENT MILITARY PAY AND CONTINUE HEALTH INSURANCE FOR UP TO TWENTY-FOUR (24) MONTHS FOR EMPLOYEES CALLED TO ACTIVE DUTY FOR NATIONAL DEFENSE BEFORE JANUARY 1, 2007.**

WHEREAS, in the wake of the September 11<sup>th</sup> terrorist attack on America, Four (4) City employees have already been called into active duty, and

WHEREAS, on November 20, 2001, the City Council adopted Resolution 2001-592 extending pay and benefits for twelve (12) months for Reservists called into active military duty, and

WHEREAS, on January 7, 2003, the City Council adopted Resolution 2003-3 extending pay and benefits for months two (2) through twenty-four (24) for Reservists called into active military duty, to sunset on January 1, 2005, and

WHEREAS, the City now desires to extend the benefit of supplementing military pay and continuing health insurance for employees called to active duty for up to twenty-four (24) months, and

WHEREAS, the City has identified 12 regular City employees who are Reservists and who could be called into active duty, and

WHEREAS, the Modesto Police Officers' Association supports the City's efforts to continue to provide additional salary and health benefits to activated employees, and

WHEREAS, on November 22, 2004, the Council Finance Committee voted unanimously to recommend approval of this action to the full City Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City will pay the difference between an employee's base City salary and the employee's military

pay including all military allowances and/or premiums (if the base City salary exceeds the military pay).

BE IT FURTHER RESOLVED, that the City will pay the same contribution towards an employee's health, dental and vision premiums for an employee called into active duty that it was paying at the time the employee was called up, excluding in-lieu deferred compensation payments.

BE IT FURTHER RESOLVED, the City will continue the benefits outlined in this Resolution for up to twenty-four (24) months for employees remaining in active duty and called into such duty before January 1, 2007.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-637**

**A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO SOLICIT  
INFORMAL BIDS FOR A PROFESSIONAL SERVICES CONTRACT TO  
CONDUCT CLASSIFICATION STUDIES**

WHEREAS, the Personnel Director has been delegated the authority, by the City Manager, to establish and maintain a Position Classification Plan, and

WHEREAS, this responsibility is summarized in Personnel Rule 2, and

WHEREAS, part of the responsibility of maintaining a Position Classification Plan includes review of positions whose duties have changed substantially, resulting in allocating these positions to appropriate classes, and

WHEREAS, the Personnel Department has received approximately eleven (11) employee or Employee Association requests for classification reviews which have not been initiated, and

WHEREAS, it is the desire of the City to conduct these reviews in a timely manner, and

NOW, THEREFORE, BE IT RESOLVED by the City Council that it hereby authorizes the Personnel Director to solicit informal proposals for a Professional Services Contract to conduct previously identified classification studies received on, or before, November 15, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-638**

**A RESOLUTION AMENDING THE FISCAL YEAR 04-05 GENERAL FUND  
OPERATING BUDGET TO TRANSFER \$25,000 FROM THE GENERAL FUND  
RESERVE TO THE PERSONNEL DEPARTMENT'S OPERATING BUDGET,  
PROFESSIONAL SERVICES ACCOUNT.**

WHEREAS, the Personnel Department has received approximately eleven (11) employee or Employee Association requests for classification reviews which have not been initiated, and

WHEREAS, it is the desire of the City to conduct these reviews in a timely manner, and

WHEREAS the City Council has authorized the Personnel Director to solicit informal proposals for a Professional Services Contract to conduct previously identified classification studies received on, or before, November 15, 2004, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 04-05 General Fund operating budget for the Personnel Department is hereby amended to transfer \$25,000 from the General Fund Reserve (0100-800-8000-8003) to the Personnel Department's operating budget, professional services account (0100-030-0301-0235), to fund these classification studies.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-639**

**A RESOLUTION APPROVING THE REOPENING OF CAPITAL  
IMPROVEMENT PROGRAM PROJECTS CLOSED IN ERROR AND  
AMENDING THE ADOPTED BUDGET FOR FISCAL YEAR 2004-2005 TO RE-  
APPROPRIATE FUNDING TO THE CLOSED PROJECTS.**

WHEREAS, staff from the Public Works Department was asked to identify existing capital improvement projects that were completed and ready to close, and

WHEREAS, during that process four projects were inadvertently closed by the Finance Department, and

WHEREAS, these four projects are still under construction and still have outstanding work to be completed, as well as staff charges and invoices yet to be received and charged against these project accounts, and

WHEREAS, until all of these expenses are accounted for and reconciled, and the contracts complete and the encumbrances closed, these projects cannot and should not be closed, and

WHEREAS, funding for the aforementioned projects was approved for appropriation in previous years by the City Council, and

WHEREAS, within these individual projects the appropriated funding is now tied to encumbrances wherein the City has entered into a contract with a particular contractor and/or grant provider, and to which the City is obligated to fulfill the terms of said contract and/or grant, and

WHEREAS, in order to fulfill these contractual obligations the projects need to be re-opened and the funds remaining in them at the time they were closed need to be reinstated so that they may be completed and finalized, and

WHEREAS, at its meeting of November 22, 2004, the Finance Committee approved this request to re-open these projects and to amend the budget to re-appropriate funds to these projects and further recommended approval to Council,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that the following capital improvement program projects be reopened:

1. 0520-160-N045 – Virginia Corridor Safe Routes to School - \$58,991
2. 1410-430-A014 - Hatch Road Improvements at Dallas Street Intersection - \$35,574
3. 1410-480-M278 – Pelandale Ave Interchange Widening/Highway 99 - \$1,329,990
4. 6320-440-N559 – Emergency Airfield Generator - \$9,948,

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary amendments, as identified above, to the budget in coordination with the Finance Department to re-appropriate funds to these projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-640**

**A RESOLUTION AWARDING BID AND APPROVING A \$396,810  
CONSTRUCTION CONTRACT WITH COLLINS ELECTRICAL FOR THE  
PROJECT ENTITLED "TRAFFIC SIGNAL MODIFICATIONS AT 7  
LOCATIONS"**

WHEREAS, the bids received for the "Traffic Signal Modifications at 7 Locations" project were opened at 11:00 a.m., on October 12, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$396,810 received from Collins Electrical be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby accepts the bid of Collins Electrical in the amount of \$396,810, and hereby awards Collins Electrical the contract for "Traffic Signal Modifications at 7 Locations."

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-641**

**A RESOLUTION ADOPTING THE INITIAL STUDY AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED, CONSIDERED, AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT**

WHEREAS, on March, 4, 2003, the City Council of the City of Modesto adopted Resolution No. 2003-123 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report and whether the subsequent project was described in the Master Environmental Impact Report as being within the scope of the project, and

WHEREAS, the Public Works Department, by Initial Study, E.A./E.T. 2003-25 reviewed the proposed Traffic Signal Modifications at 7 Locations” which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and

WHEREAS, on September 5, 2003, the Engineering and Transportation Department caused to be published notification of the determination conferred in Initial Study 2003-25, pursuant to Public Resources Code Section 21092, and

WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 7th day of December 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA 2003-25 prepared for the proposed "Traffic Signal Modifications at 7 Locations" project, a copy of which is attached hereto as **Attachment "B"**, and incorporated herein by referenced, and based on the substantial evidence included in said Initial Study makes the following findings:

- A. The proposed "Traffic Signal Modifications at 7 Locations" project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the "Traffic Signal Modifications at 7 Locations" project that were not previously examined in the General Plan Master EIR.
- C. No new or additional mitigation measures or alternatives will be required as a result of the proposed "Traffic Signal Modifications at 7 Locations" project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the "Traffic Signal Modifications at 7 Locations" project that require specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project, as appropriate.
- E. This Initial Study, Environmental Assessment No. EA 2003-25 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

City of Modesto  
Initial Study

REWIRE 8 TRAFFIC SIGNALS PHASE II  
10<sup>th</sup> & G, 11<sup>th</sup> & G, 12<sup>th</sup> & G, 14<sup>th</sup> & G, 17<sup>th</sup> & G, Burney & G, 19<sup>th</sup> & H, and  
Briggsmore Avenue & Oakdale Road  
Intersection Improvements  
E.A./E.T. No: 2003-25

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 199082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project Title:

Rewire 8 Traffic Signals Phase II

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:

Paul J. Hom, Engineering and Transportation Department, (209) 577-5294

D. Project Location:

10<sup>th</sup> & G Streets, 11<sup>th</sup> & G Streets, 12<sup>th</sup> & G Streets, 14<sup>th</sup> & G Streets, 17<sup>th</sup> & G Streets, Burney & G Streets, 19<sup>th</sup> & H Streets, Briggsmore Avenue & Oakdale Road

E. Project Sponsor:

City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

Redevelopment Planning District (RPD)  
Mixed Use (MU)

G. Zoning:

Redevelopment Planning District (RPD)  
Mixed Use (MU)

H. Description of Proposed Project:

This is an application to rewire 8 existing traffic signals. The existing signal cable has deteriorated to the point where it must now be replaced. The project will also include new conduit at various locations as needed for the ease of rewiring the intersection. It will also include certain pedestrian ADA improvements. All work will take place in existing City of Modesto right of ways.

Seven of the 8 locations are in the downtown core, and one is near the Village I development (see attached Map, Exhibit A).

I. Surrounding Land Uses:

The project is located primarily in the downtown core, with the exception of the Briggsmore Avenue and Oakdale Road intersection.

J. Other Public Agencies Whose Approval is Required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The Rewire 8 Traffic Signals Phase II project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

C. Generation of Noise

The Rewire 8 Traffic Signals Phase II project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

All existing Traffic Signals are located in developed areas downtown and at the Briggsmore/Oakdale intersection outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

The proposed project includes traffic signal related improvements and maintenance, and will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13) are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project includes traffic signal related improvements and maintenance, and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

All existing Traffic Signals are located in developed areas downtown and at the Briggsmore/Oakdale intersection and are not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.

K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.

L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

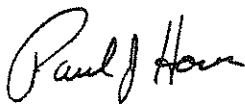
R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are, therefore, still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed Rewire 8 Traffic Signals Phase II project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.
- B. No additional significant environmental effects will occur as a result of the Rewire 8 Traffic Signals Phase II project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed Rewire 8 Traffic Signals Phase II project that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to the Rewire 8 Traffic Signals Phase II project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

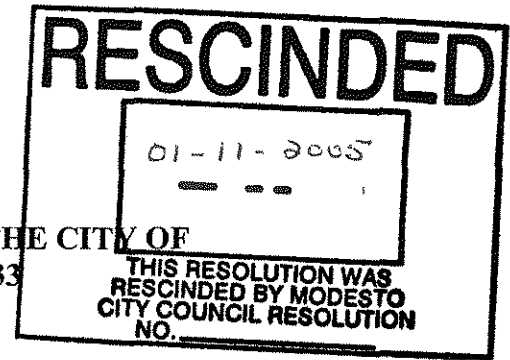
Signature:



Paul J. Hom  
Associate Traffic Engineer

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-642

A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 2004-333



WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code  
authorizes the City Council, by resolution, to establish angle parking in the City of  
Modesto, and

WHEREAS, City staff received a request from Mr. Bill Leer of Leer Corp to  
install angle parking on the south side of M Street between 7<sup>th</sup> and 8<sup>th</sup> Streets to make  
additional on-street parking available, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of  
roadway and concluded that angle parking can be accommodated on the south side of M  
Street between 7<sup>th</sup> and 8<sup>th</sup> Streets without creating a hazard and without impeding traffic  
flow, and

WHEREAS, the Economic Development Committee considered the additional  
angle parking on M Street at its November 8, 2004, meeting and supported staff's  
recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
as follows:

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is  
hereby established at the following locations:

- Portions of 10<sup>th</sup> Street, between I & K Streets (west side) (diagonal)
- 18<sup>th</sup> Street, between G and H Streets (west side) (diagonal)
- F Street, between 10<sup>th</sup> and 11<sup>th</sup> Streets (south side) (diagonal)
- I Street, between 9<sup>th</sup> and 12<sup>th</sup> Streets (both sides) (diagonal)

- P Street, between 9<sup>th</sup> and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4<sup>th</sup> Street, between E Street and G Street (west side)
- 16<sup>th</sup> Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8<sup>th</sup> and Laurel Streets (diagonal)
- 13<sup>th</sup> Street, between H and L Streets (east side)
- J Street, between 7<sup>th</sup> Street and 8<sup>th</sup> Street (north side)
- 10<sup>th</sup> Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10<sup>th</sup> Street and 11<sup>th</sup> Street (north side) (diagonal)
- 15<sup>th</sup> Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9<sup>th</sup> Street and 10<sup>th</sup> Street (north side) (diagonal)
- 8<sup>th</sup> Street, between J Street and K Street (east side) (diagonal)
- 8<sup>th</sup> Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4<sup>th</sup> Street (north side)
- 8<sup>th</sup> Street between L Street and Jefferson Street (east side) (diagonal)
- M Street between 7<sup>th</sup> Street and 8<sup>th</sup> Street (south side) (diagonal)

SECTION 2. The Public Works Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2004-333 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-643**

**A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR FEDERAL FUNDING THROUGH THE REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE PROJECTS LISTED IN EXHIBIT A (ATTACHED), AND TO EXECUTE THE NECESSARY GRANT APPLICATIONS AND DOCUMENTS NECESSARY TO OBTAIN SAID FUNDING**

WHEREAS, on August 11, 2004, the Stanislaus Council of Governments (StanCOG) Policy Board approved guidelines to allocate Regional Surface Transportation Program (RSTP) program funds to eligible proposers for the Federal Fiscal Year 2005/2006 through 2009/2010, and

WHEREAS, on September 9, 2004, StanCOG staff distributed a call for RSTP project nominations to local jurisdictions, further stipulating that \$24,161,000 of RSTP funding was estimated for distribution among local agencies County-wide, and

WHEREAS, pursuant to StanCOG guidelines for distribution to local governments in Stanislaus County, including an estimate of funds available to each, the City of Modesto anticipates \$8,278,000 in funds for eligible pavement maintenance projects on arterial streets, and

WHEREAS, City staff has identified 39 projects for funding which are in need of pavement maintenance, and

WHEREAS, the Economic Development Committee has reviewed said projects generally and recommends approval of the projects for RSTP funding and prioritization of the projects as shown on **Exhibit A**, and

WHEREAS, RSTP grants require an 11.47% local match of funds, and

WHEREAS, the match required for many of the projects may be funded out of Local Gas Tax Funds, Local Transportation Funds or Transit Fare Revenues, and

WHEREAS, applications for each project are required to be submitted to the Stanislaus Council of Governments by December 10, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Regional Surface Transportation Program (RSTP) funds to be used for various projects set forth in the attached Exhibit "A", recommended by City staff, which will assist in the pavement maintenance of arterial streets.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute all applications and documents necessary to obtain said funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

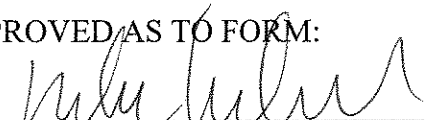
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

New Priority	Street Name	Limits		Length miles	PCI Lowest	Cost (\$1000's)	ADT k's	\$/VMT	\$/VMT xPCI	04/05	05/06	06/07	07/08	08/09	>09/10	Comments
		From	To													
1	Coffee Rd	Sylvan	Mable	0.4	13	\$1,800	17.0	235.3	30.6	\$1,600						Overlay Scheduled FY04, held up for funding.
2	Sylvan Ave	McHenry	Rexford	0.62	10	\$1,800	30.0	96.8	9.7	\$1,800						Overlay and reconstruct
3	9th Street	Tully	Carver	0.78	29	\$420	22.0	24.5	7.1		\$420					Overlay and reconstruct
4	9th St.	L St.	MID Lat. 4	0.5	41	\$550	21.1	52.1	21.4		\$550					Track removal & Kansas/Needham required prior to project.
5	9th St.	B St.	D St.	0.2	72	\$240	23.1	51.9	37.4		\$240					Track removal & 9th St. Bridge required prior to project.
6	I St	14th	Downey Ave.	0.3	20	\$570	8.9	213.5	42.7		\$570					Overlay - Completion of previous project.
7	H St.	17th	Burney	0.16	60	\$140	17	51.5	25.7		\$140					Overlay
8	Claus Rd	2440' N. of 132	Scenic	0.84	16	\$770	20.0	45.8	7.3			\$770				Overlay
9	Oakdale Rd	Floyd	Sylvan	0.74	16	\$960	26.0	49.9	8.0			\$960				Overlay
10	Oakdale Rd	Scenic	Briggsmore	0.96	30	\$995	34.0	30.5	9.1				\$995			Overlay
11	Oakdale Rd	Briggsmore	Floyd	0.76	47	\$640	34.0	24.8	11.6				\$640			Overlay
12	Claus Rd	Scenic	Briggsmore	0.83	16	\$990	21.0	74.8	12.0					\$990		Overlay
13	B St	9th	12th	0.2	10	\$260	9.0	144.4	14.4					\$260		Overlay
14	Carpenter	Maze	End of C&G	0.29	48	\$210	21.0	34.5	15.9					\$210		Overlay
15	E. Orangeburg	McHenry	Brannon	0.65	21	\$915	18.0	78.2	16.4						\$915	Overlay
16	Sylvan Ave	Rexford	Selby	0.37	21	\$875	30.0	78.8	16.6						\$875	Overlay
17	G St	Sierra	17th St.	0.63	37	\$535	17.0	50.0	18.5						\$535	Overlay
18	Woodland	Morse	SR99 OC	1.2	36	\$680	9.8	57.8	20.8						\$680	City portion only
19	Sisk Rd	Width Change	Pelandale	0.64	43	\$460	14.0	51.3	22.1						\$460	Reconstruct
20	Pelandale Ave	Gagos	Blue Bird	0.22	49	\$230	23.0	45.5	22.3						\$230	Overlay
21	Dale Rd	Standiford	Nightingale	0.64	33	\$830	19.0	68.3	22.5						\$830	Overlay
22	Prescott Rd	Rumble	Cheyenne	0.57	16	\$1,020	12.0	149.1	23.9						\$1,020	Overlay
23	Tully Rd	Yale	Briggsmore	1.09	41	\$1,275	19.0	61.6	25.2						\$1,275	Overlay
24	Tully Rd	W. Rumble	Standiford	0.49	50	\$595	22.0	55.2	27.6						\$595	Reconstruct-pending resolution of round about project.
25	Needham Ave	12th	L St	0.28	39	\$310	15.0	73.8	28.8						\$310	Overlay
26	Lakewood Ave	Scenic	Briggsmore	0.8	32	\$890	12.0	92.7	29.7						\$890	Overlay
27	Paradise Rd	Sutter	Ellen	0.12	45	\$145	18.0	75.5	34.0						\$145	Overlay
28	Tuolumne Ave	Roselawn	Madera	0.27	30	\$325	10.0	120.4	36.1						\$325	Overlay
29	Sisk Rd	Standiford	Width Change	0.9	45	\$970	13.0	82.9	37.3						\$970	Overlay
30	Plaza Parkway	Sisk Rd.	Prescott Rd.	0.4	43	\$400	8.5	117.6	50.6						\$400	Overlay
31	E. Orangeburg	at MID Pipeline		0.2	68	\$215	13.9	77.3	52.6						\$215	Remove grade problem-east of Oakdale Rd.
32	7th St	I St	K St	0.42	44	\$360	7.0	122.4	53.9						\$360	Overlay
33	Prescott Rd	Cheyenne	Snyder	0.23	31	\$325	8.0	176.6	54.8						\$325	Overlay
34	Dale Rd	Nightingale	Pelandale	0.39	48	\$675	14.0	123.6	59.3						\$675	Overlay
35	College Ave	Briggsmore	Bowen	0.29	49	\$320	8.0	137.9	67.6						\$320	Overlay
36	Rosemore	Kansas	Woodland	0.05	39	\$40	3.5	228.6	89.1						\$40	City portion only
37	H St.	5th St.	Sutter Ave.	0.7	51	\$1,100	7.0	224.5	114.5						\$1,100	Overlay
38	Lincoln Ave	Yosemite	Dry Creek	0.75	50	\$1,035	6.0	230.0	115.0						\$1,035	Overlay
39	Rosemore	Woodland	Bluegum	0.5	62	\$380	3.5	217.1	134.6						\$380	Overlay

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-644**

**A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH HDR ENGINEERING, INC., FOR ADDITIONAL ENGINEERING DESIGN SERVICES IN THE AMOUNT OF \$32,859, FOR THE PROJECT TITLED "REPLACEMENT OF THE LA LOMA SEWAGE LIFT STATION," AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT, INCREASING THE TOTAL ESTIMATED COST OF THE SERVICES TO \$225,603**

WHEREAS, on August 6, 2003, the City Council approved a Professional Services Agreement with HDR Engineering, Inc., in the amount of \$192,744, to develop engineering plans for the design of the new La Loma Lift Station, and

WHEREAS, the City of Modesto has requested additional design services for the design of a new El Rio sewer system, and

WHEREAS, a new El Rio sewer would be relocated to the public right-of-way in El Rio Drive, and

WHEREAS, on October 8, 2004, HDR Engineering, Inc., submitted to City a scope of work and a fee schedule not to exceed the amount of \$32,859, to provide additional engineering for the design of the El Rio sewer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to agreement with HDR Engineering, Inc., in the not to exceed amount of \$32,859, for additional design services and for reimbursable expenses for the design of the El Rio sewer.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the amendment to agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 645**

**A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT TO PETERSON PACIFIC CORP. OF EUGENE, OREGON. FOR ONE (1) SELF-PROPELLED STRADDLE COMPOST TURNER (WINDROW TURNER) FOR AN ESTIMATED TOTAL COST OF \$273,229.53**

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division has requested the purchase of one (1) self-propelled straddle compost turner (windrow turner), and

WHEREAS, a self-propelled straddle compost turner (windrow turner) is an important piece of equipment used to produce compost, and

WHEREAS, the materials to be composted are placed into windrows and the windrow turner passes over each windrow and mixes the composting material, and

WHEREAS, this helps stimulate the microorganisms in the material, which break down coarse organic matter into compost, and

WHEREAS, it is important that the windrows are turned frequently and efficiently in order to help the material mature into a high quality composting product, and is part of our permitted composting process, and

WHEREAS, the windrow turner was purchased in 1996 and has been used heavily from that point forward, and

WHEREAS, staff currently operates a hydraulic drive system windrow turner at its composting site on Jennings Road which has become very costly to operate, and at this time the turner is worn down and in need of constant repairs, and

WHEREAS, since 2002, over \$180,000 has been expended for needed repairs just to keep the machine running, and

WHEREAS, the trans-fluid-coupler system can be engaged or disengaged at high idle without damage, and

WHEREAS, if the trans-fluid-coupler quits for some reason while turning the windrow, the fluid coupler will automatically disengage, and

WHEREAS, the trans-fluid-coupler technology has a stronger drum than the hydraulic drive system windrow turner, and

WHEREAS, the trans-fluid-coupler has a ¾ inch thick wall on the drum pipe and is twice as thick as what has been available in the past, and

WHEREAS, drum replacement on the hydraulic drive windrow turner can cost over \$10,000; and if the drum is bent, it cannot be used, and a new drum costs approximately \$16,000, and

WHEREAS, the trans-fluid-coupler system has a six (6) inch shaft on the turning drum, the largest shaft in the industry, and

WHEREAS, the trans-fluid-coupler technology has the largest drum flail diameter, and

WHEREAS, the larger the cross section of the windrow the drum contacts with, the more production the compost will have, and

WHEREAS, the trans-fluid-coupler windrow turner has the largest tip-to-tip flail dimension on the market, working 75% of the window, and

WHEREAS, this provides the best aeration and production available, and

WHEREAS, the trans-fluid-coupler system windrow turner is the most refined compost turner on the market, and

WHEREAS, the combination fluid coupler, poly chain drive, large diameter drum, large diameter drum shafts and heavy duty drum wall makes this technology unique to the market, and is more efficient than the hydraulic drum system windrow turner, and

WHEREAS, with the purchase of a new windrow turner, required maintenance costs should decrease and compost productivity should increase, and

WHEREAS, Modesto Municipal Code, (MMC) Section 8-3.203, generally requires all purchases that meet or exceed \$50,000.00 for material, equipment, or contracts service to be formally bid, and

WHEREAS, by Resolution No. 2004-261, the City Council authorized the Purchasing Supervisor to solicit formal bids for one (1) self-propelled straddle compost turner (windrow turner) with a trans fluid-coupler system, and

WHEREAS, the Purchasing Division solicited formal bids for one (1) self-propelled straddle compost turner (windrow turner) with a trans fluid-coupler system, and

WHEREAS, out of six (6) vendors solicited, three (3) responded to the RFB, and

WHEREAS, two of the bids were deemed to be non-responsive because the bidders took exceptions to specification requirements for a trans fluid coupler system technology windrow turner, and

WHEREAS, bids received were evaluated per specification 0405-08 by the Purchasing Division and the Public Works Department staff, and

WHEREAS, Peterson Pacific Corporation Eugene, OR. was deemed to be the lowest responsive and responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for one (1) self-propelled straddle compost turner (windrow turner) to Peterson Pacific Corp. of Eugene, OR. for an estimated total cost of \$273,229.53.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-646**

**A RESOLUTION FINDING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF AMENDMENT #1 TO THE VILLAGE ONE FACILITIES MASTER PLAN UPDATE (MAY 2003) HAVE BEEN ADEQUATELY ADDRESSED BY THE PREVIOUSLY CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM EIR AS MODIFIED BY THE 1994 FINAL SUPPLEMENTAL EIR (SCH NO. 90020181), WITH ADDENDUMS FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN UPDATE (EA/CM 2003-02) AND THE VILLAGE ONE FACILITIES MASTER PLAN UPDATE (EA/CM 2003-03).**

WHEREAS, on September 11, 1990, the Modesto City Council adopted Resolution No. 90-757 certifying that the Village One Specific Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) was complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, the development of the utility infrastructure for the Village One Specific Plan area is contemplated by, and acknowledged within, the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted an Addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan Update – May 2003 ("VI FMP"), and

WHEREAS, Chapter 5 in the text portion of the V1 FMP discusses the Storm Drainage System and refers to the Storm Drainage Master Plan (“SDMP”) prepared by Camp Dresser & McKee (“CDM”), and

WHEREAS, a requirement of the SDMP and the VI FMP is that a 6 acre-foot storm water detention area would be needed in the vicinity of Freedom Neighborhood Park; very early in the design process for Freedom Neighborhood Park it was determined that this requirement would not be feasible and should not have been included in the plan, and

WHEREAS, Freedom Neighborhood Park is designated in the Village One Specific Plan and Precise Plan #29 as a seven-acre neighborhood park; holding 6 acre-feet of water on this park would seriously impact the recreational value of the park, and

WHEREAS, in order to accommodate the 6 acre-feet of storm water, it would be necessary to increase the size of the park, and

WHEREAS, the City retained CDM to determine if there was a way to reduce the storm water storage requirement; in response, CDM modeled several different scenarios and prepared a document entitled “Addendum to the Storm Drainage Master Plan Update Report for the Village One Community Facilities District of April 26, 2002”, prepared June 14, 2004, and

WHEREAS, this report documents the different scenarios that were modeled and the various options available to the City, and

WHEREAS, Condition #2 is the scenario recommended by staff, as it seems to be the most feasible option; in this scenario, the 6 acre-foot detention of storm water in the vicinity of Freedom Neighborhood Park is decreased to 0.5 acre-feet of retention

(basically detaining the storm water that falls in the park), and the need for the 36” overflow pipe from Fine Avenue to the park site is eliminated, and

WHEREAS, there will be short-term ponding in the sub graded field area of Freedom Elementary School, and

WHEREAS, street ponding volume and duration will increase but remain at an acceptable level, and

WHEREAS, City staff prepared a Written Checklist, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as

amended by the Village One Supplemental EIR, with addendums for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03), and

WHEREAS, said Written Checklist also concludes that the additional ponding as a result of this Amendment will be negligible, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated November 2, 2004, City staff recommended modifying the existing FMP per Condition #2; parameters for Condition #2 include the following:

- 1) Reduce the 6 acre-feet storm water detention basin requirement at Freedom Neighborhood Park (Junction C-165) to .5 acre-feet and
- 2) Eliminate the proposed 36” overflow pipe connecting Fine Avenue to Freedom Neighborhood Park,

and

WHEREAS, a duly noticed public hearing was set before the City Council to be held on November 9, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and

WHEREAS, said hearing was thereafter continued to November 23, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Written Checklist (EA# CM 2004-02), for Amendment #1 to the Village One Facilities Master Plan Update (May 2003), and the Council hereby makes the following findings:

- A. Major revisions to the Village One Program EIR as amended by the 1994 Final Supplement EIR (SCH No. 90020181), with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and
- B. Major revisions to the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and
- C. No new information of substantial importance that was not known has become available that shows:
  - a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.
  - b. identified significant effects will be more severe,
  - c. previously infeasible mitigation measures are now feasible,
  - d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

- D. Because no new significant effects have been identified and no new mitigation is required for the project, the environmental effects of the operation of the proposed project were covered by the Village One Program EIR as amended by the 1994 Final Supplemental EIR with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update. Therefore, pursuant to CEQA Section 15168 (C) (4) no new environmental document is required.
- E. Therefore, Amendment #1 to the Village One Facilities Master Plan is within the scope of the Village One Program EIR with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.
- F. This Written Checklist provides substantial evidence to support findings A, B, C, D and E above.

A copy of said Written Checklist (EA# CM 2004-02), entitled "Amendment #1 to the Village One Facilities Master Plan Update, October 2004", is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Determination:  
Amendment #1 to the Village One Facilities  
Master Plan Update is within the Scope of the  
Village One Specific Plan Program Environmental  
Impact Report as supplemented (SCH #90020181)  
and with Addenda for the Village One Storm  
Drainage Master Plan Update and the Facilities  
Master Plan Update**

*Prepared for:*

City of Modesto  
P.O. Box 642  
Modesto, CA 95353  
Contact: Vickey Dion  
(209) 577-5211

*Prepared by:*

Vickey Dion, Senior Civil Engineer  
City of Modesto  
City Manager's Office  
(209) 577-5211

November 3, 2004

# WRITTEN CHECKLIST

EA/CM No. 2004-2

## I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

In Addition, on May 6, 2003, the City Council determined that the environmental effects of the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update projects have been addressed by the Village One EIR, as amended by the Supplemental EIR or are less than significant. Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update were then prepared and certified by the City Council.

Section 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

- (1) There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and
- (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and
- (3) There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda

for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update; or,

- b. significant effects which were previously examined will be substantially more severe than previously shown; or,
- c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
- d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The purpose of this written checklist is to provide the substantial evidence to support the above findings.

The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit "A." Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

## II. PROJECT INFORMATION

1. **Project Title:** Amendment #1 to the Village One Facilities Master Plan Update, October 2004
2. **Lead Agency Name and Address:** City of Modesto
3. **Contact Person and Phone Number:** Vickey Dion  
City Managers Office  
(209)577-5211
4. **Project Location:** Village One Specific Plan Area
5. **Project Sponsor's Name and Address:** City of Modesto  
P.O. Box 642  
Modesto, CA 95353
6. **General Plan Designation:** Multiple land use designations in the Village One

## Specific Plan Area

7. **Zoning:** Multiple zonings in the Village One Specific Plan Area
8. **Description of Project:** Update the storm drainage component of the Village One Facilities Master Plan to reduce the 6 acre-foot storm water detention basin requirement at Freedom Neighborhood Park to 0.5 acre-feet and to eliminate the proposed 36" overflow pipe connecting Fine Avenue to Freedom Neighborhood Park.
9. **Surrounding Land Uses and Setting:** The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan.
10. **Other Public Agencies whose Approval Is Required:** None.

### **III. DETERMINATION:**

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

- (1) There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and
- (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and
- (3) There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the

Storm Drainage Master Plan Update; or,

- b. significant effects which were previously examined will be substantially more severe than previously shown; or,
- c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
- d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.



November 3, 2004

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Project Manager

Date

## IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

### Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that as the Specific Plan area is developed, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area's visual open space. However, the program EIR found the effects of build out of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed Amendment #1 to the Facilities Master Plan Update would not change the extent or nature of construction in the Specific Plan area, or cause any other changes in the project area. Impacts on scenic vistas would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area, and that development within the Specific Plan area

would therefore not result in significant impacts on scenic resources. This finding would not be affected by the proposed Amendment #1 to the Facilities Master Plan Update. There would be no impact. No mitigation is required.

- c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed Amendment #1 to the Facilities Master Plan Update would not significantly change the design or layout of the development proposed within the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
- d. The proposed Amendment # 1 to the Facilities Master Plan Update is consistent with the Village One Specific Plan. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**II. AGRICULTURAL RESOURCES.** In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed Amendment #1 to the Facilities Master Plan Update would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the Village One Specific Plan area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the Village One Specific Plan area expired in 2001. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR identified a potential land use conflict between new residential uses in the specific plan area and adjacent agricultural uses. Such conflicts can lead to conversion of adjacent farmlands to other uses. The program EIR proposed mitigation measures for this potential impact that would reduce the impact's significance, although the EIR noted that the mitigation measure might not fully mitigate the impact. No additional mitigation measures are available for this impact. This finding would not be affected by the proposed project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**III. AIR QUALITY.** When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Conflict with or obstruct implementation of the applicable air quality plan?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

## Responses to Checklist Questions

- a. / b. The Village One Specific Plan program EIR found that air pollution from project-related construction traffic and fireplaces & wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state ozone, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR (Mitigation Measures 3–5), and the City of Modesto adopted a statement of overriding consideration for each impact. The proposed Amendment #1 to the Facilities Master Plan Update would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at build out of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed Amendment #1 to the Facilities Master Plan Update would not change

the amount of traffic associated with build out of Village One or the types of land uses. There would be no additional impact. No mitigation is required.

- d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure 40). The proposed Amendment #1 to the Facilities Master Plan Update would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.
- e. The proposed Amendment #1 to the Facilities Master Plan Update would not create odors. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that the build out could result in the loss of foraging habitat for Swainson's Hawk, a state-listed threatened species, but found that mitigation measures identified in the program EIR would reduce the impact to a less-than-significant level. The proposed Amendment #1 to the Facilities Master Plan update will not create an additional impact. No additional mitigation is required.
- b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the project area, and so found that the project would have a less-than-significant impact. The proposed Amendment #1 to the Facilities Master Plan Update would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.
- c. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers but that, with mitigation, the impact would be less than significant. The proposed Amendment # 1 to the Facilities Master Plan Update would not change the Specific Plan area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.
- d. The Village One Specific Plan program EIR did not identify any migratory corridors in the project area, nor did it find that the project would interfere with the movement of any species. The proposed Amendment # 1 to the Facilities Master Plan Update would not change the Specific Plan area boundaries. There would be no impact. No mitigation is required.
- e. / f. No local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans apply to the Village One Specific Plan area. There would be no impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Responses to Checklist Questions

- a.-d. Impacts on cultural resources resulting from the build out of Village One (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area. Based on the results of this report, (Cultural and Historic Resources Report, page 3) it was determined that the likelihood that the proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed Amendment #1 to the Facilities Master Plan Update would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. No historic structures are located within the project area boundaries. Therefore, no mitigation measures are necessary.

Since no archaeological, or paleontological resources were found in the previous document to be located in the project area, and since the proposed Amendment #1 to the Facilities Master Plan Update would not have a significant impact on historic structures, there would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**VI. GEOLOGY AND SOILS.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  |                          |                          |                          |                                     |
|    | 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | 2. Strong seismic groundshaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | 3. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | 4. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed Amendment #1 to the Facilities Master Plan Update would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed Amendment #1 to the Facilities Master Plan Update would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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### VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed Amendment #1 to the Facilities Master Plan Update would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. There would be no additional impact. No mitigation is required.
- g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed Amendment #1 to

the Facilities Master Plan Update would not change construction, land use, or other physical attributes of the project. There would be no additional impact. No mitigation is required.

- h. The project site is located in an area of the City of Modesto planned for build out of an urban neighborhood. The potential for wild land fires is low, and this potential will decrease further as build out continues. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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**VIII. HYDROLOGY AND WATER QUALITY.**

Would the project:

a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed Amendment #1 to the Facilities Master Plan Update is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.
- b. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area might interfere with local groundwater recharge. The Amendment #1 to the Facilities Master Plan Update will have no affect on the groundwater recharge. No mitigation is required.
- c.-e. The Village One Specific Plan program EIR found that development will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts.

A requirement of the Storm Drainage Master Plan (SDMP) and the Village One Facilities Plan Update of May 2003 (VI FMP) is that a 6 acre-foot storm water detention area would be needed in the vicinity of Freedom Neighborhood Park. It was determined that this requirement would not be feasible. The City retained CDM to determine if there was a way to reduce the storm water storage requirement. In response, CDM modeled several different scenarios and prepared a document entitled "Addendum to the Storm Drainage Master Plan Update Report for the Village One Community Facilities District of April 26, 2002" prepared June 14, 2004. This report documents the different scenarios that

were modeled and the various options available to the City. Condition #2 is the scenario recommended by staff and seems to be the most feasible option. In this scenario, the 6 acre-foot retention of storm water in the vicinity of Freedom Neighborhood Park is decreased to 0.5 acre-feet of detention (basically detaining the storm water that falls in the park). In addition, Condition #2 eliminates the need for the 36" overflow pipe from Fine Avenue to the park site.

Per the CDM addendum, Condition #2 will result in the following change in the level of service of the storm drain system:

- 1) There will be short-term ponding in the sub graded field area of Freedom Elementary School.
- 2) Street ponding volume and duration will increase but remain at an acceptable level.

The ponding at Junction C-121 and C-123 will be contained in the public right-of-way for a 10-year storm event and will be very short term (approx 25 minutes). The impact of the proposed Amendment #1 to the Facilities Master Plan is negligible. No mitigation is required.

- f. The Village One Specific Plan program EIR did not find that development would substantially degrade water quality. The proposed Amendment #1 to the Facilities Master Plan Update would not change water use or discharge associated with the build out of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
- g.-i. According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.
- j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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**IX. LAND USE AND PLANNING.** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The proposed project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. The Village One area would continue to be developed as a planned community; therefore, the project would not divide an established community. There would be no impact, and no mitigation is required.
- b., c. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed Amendment #1 to the Facilities Master Plan Update would be consistent with the Village One Specific Plan. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.

- |  | Potentially Significant Impact | Less than Significant with Mitigation | Less-than-Significant Impact | No Impact                           |
|--|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| <b>X. MINERAL RESOURCES.</b> Would the project:  |                                |                                       |                              |                                     |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                 | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

## Responses to Checklist Questions

- a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

		Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
<b>XI. NOISE.</b>	Would the project:				
c.	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

## Responses to Checklist Questions

- a., c. The Village One Specific Plan program EIR found that proposed residential housing in the project area would be exposed to noise levels exceeding general plan thresholds, but mitigation measures were incorporated to reduce the impact to a less-than-significant level. The proposed project would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR found that the build out of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.

- d. The proposed Amendment #1 to the Facilities Master Plan Update would not change construction activities. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan program EIR found that the Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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**XII. POPULATION AND HOUSING.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-c. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XIII. PUBLIC SERVICES.** Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that the only significant impact that build out of the Village One Specific Plan area would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed Amendment #1 to the Facilities Master Plan Update would not change the provision of public services. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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**XIV. RECREATION.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a., b. No significant impacts on recreation were identified in the program EIR. The proposed project Amendment #1 to the Facilities Master Plan Update would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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**XV. TRANSPORTATION/TRAFFIC.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Cause, either individually or cumulatively, exceedance of a LOS standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Result in a change in air traffic patterns, including an increase in traffic levels or a change in location that results in substantial safety risks?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

## Responses to Checklist Questions

- a., b. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed Amendment #1 to the Facilities Master Plan Update would not alter traffic patterns in the Specific Plan area or result in additional trips. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR did not find that the build out of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed Amendment #1 to the Facilities Master Plan Update does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR did not find that build out of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed Amendment #1 to the Facilities Master Plan Update would not change roadway design or land uses. There would be no impact. No mitigation is required.
- e. The Village One Specific Plan program EIR did not find that build out of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed Amendment #1 to the Facilities Master Plan Update would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.

- f. The Village One Specific Plan program EIR did not find that build out of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The proposed Amendment #1 to the Facilities Master Plan Update has no impact on parking capacity. No mitigation is required.
- g. The proposed Amendment #1 to the Facilities Master Plan Update does not include any changes related to transportation policies, and would have no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XVI. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. | Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed Amendment #1 to the Facilities Master Plan Update would not increase the amount of wastewater that will be generated at build out of the Specific Plan area. There would be no additional impact. No mitigation is required.
- b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed to accommodate build out of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed Amendment #1 to the Facilities Master Plan Update. No mitigation is required.
- c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate build out of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on storm water drainage facilities. An update to the Storm Drainage Master Plan was prepared and approved by the City. An addendum to the Village One program EIR for the Storm Drainage Master Plan was also prepared and was approved by the City. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addendum to the Village One Program EIR for the Storm Drainage Master Plan.
- d. The Village One Specific Plan program EIR found that, with mitigation, the effects of build out of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed Amendment #1 to the Facilities Master Plan Update. No mitigation is required.
- f., g. The Village One Specific Plan program EIR found that the area's landfills have sufficient permitted capacity to accommodate the project's solid waste disposal needs. The proposed Amendment #1 to the Facilities Master Plan Update would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

**Responses to Checklist Questions**

- a. As described above, the proposed project would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.
- b. As described above, the proposed project would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.
- c. As described above, the proposed project would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

## **V. MITIGATION APPLIED TO PROJECT**

None

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-647**

**A RESOLUTION APPROVING THE PROPOSED AMENDMENT #1 TO THE  
VILLAGE ONE FACILITIES MASTER PLAN UPDATE (MAY 2003).**

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted the Village One Facilities Master Plan Update – May 2003 (“VI FMP”), and

WHEREAS, Chapter 5 in the text portion of the V1 FMP discusses the Storm Drainage System and refers to the Storm Drainage Master Plan (“SDMP”) prepared by Camp Dresser & McKee (“CDM”), and

WHEREAS, a requirement of the SDMP and the VI FMP is that a 6 acre-foot storm water detention area would be needed in the vicinity of Freedom Neighborhood Park; however, very early in the design process for Freedom Neighborhood Park it was determined that this requirement would not be feasible and should not have been included in the plan, and

WHEREAS, Freedom Neighborhood Park is designated in the Village One Specific Plan and Precise Plan #29 as a seven-acre neighborhood park, and holding 6 acre-feet of water on this park would seriously impact the recreational value of the park, and

WHEREAS, in order to accommodate the 6 acre-feet of storm water, it would be necessary to increase the size of the park, and

WHEREAS, the City retained CDM to determine if there was a way to reduce the storm water storage requirement; in response, CDM modeled several different scenarios and prepared a document entitled “Addendum to the Storm Drainage Master Plan Update

Report for the Village One Community Facilities District of April 26, 2002”, prepared June 14, 2004, and

WHEREAS, this report documents the different scenarios that were modeled and the various options available to the City, and

WHEREAS, Condition #2 is the scenario recommended by staff, as it seems to be the most feasible option; in this scenario, the 6 acre-foot detention of storm water in the vicinity of Freedom Neighborhood Park is decreased to 0.5 acre-feet of retention (basically detaining the storm water that falls in the park), and the need for the 36” overflow pipe from Fine Avenue to the park site is eliminated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the proposed Amendment #1 to the Village One Facilities Master Plan Update (May 2003), a copy of which is attached hereto as **Exhibit “A”** and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Addendum**

**to the**

**Storm Drainage Master Plan Update Report  
for the Village One Community Facilities District  
of April 26, 2002**

**Prepared June 14, 2004**

## Introduction

The purpose of the Storm Drainage Master Plan Update report, prepared by CDM in April 2002, was to ensure adequate storm drainage system capacity for existing and future users, and to provide uniform guidelines for designing the remaining storm drainage facilities in Village One.

Recommended improvements in the Master Plan Update report included a deep West Basin, a West Basin Pump Station, a force main from the West Basin to the Central Basin, an improved Central Basin, a Central Basin Pump Station, a force main from the Central Basin to Modesto Irrigation District Lateral No.3, a new detention basin north of Sylvan Avenue near Esta Avenue, a new detention basin near Merle Avenue and Fine Avenue, a new detention basin north of Merle Avenue near Litt Road, a 60-inch pipe on Hillglen Avenue from Roselle Avenue to Esta Avenue, 36-inch and 48-inch pipe on Kodiak Drive west of Roselle Avenue, a 30-inch pipe at the west end of Hillglen Avenue, a 36-inch pipe west of Fine Avenue to the new detention basin north of Merle Avenue near Litt Road, a 24-inch pipe on Litt Road north of Merle Avenue, and a 60-inch pipe from Merle Avenue to the Central Basin. These recommended improvements are shown on Figure 9 in the April 2002 report, attached.

The purpose of this addendum is to evaluate the 10-year flooding conditions with a small detention basin in the new park near Junction C-165, and without a 36-inch pipe west from Fine Avenue to the small detention basin. The detention basin volume reduction and pipe deletion are different from the recommendations presented in the Master Plan Update Report of April 2002.

## Recent Improvements to the Storm Drainage System

Residential, school and park development has occurred during the past two years. Listed below are improvements that have or will be made to the storm drainage system that are different from, or in addition to, the recommendations presented in the April 2002 report.

- An 18-inch pipe approximately 350 feet in length on Merle Avenue from Junction C-106 to Junction C-6. (Orleans Tract).
- An 18-inch pipe crossing Merle Avenue from Junction C-108A to Junction C-108. (Orleans Tract).

- A 24-inch pipe in Fine Avenue that conveys runoff to Junction C-161 at Sharon Avenue. (Banyon Estates).

## **Proposed Improvements to the Storm Drainage System**

In addition to the above described improvements, changes to the recommendations presented in the Master Plan Update Report of April 2002 have been proposed. These changes are:

- Deletion of the 36-inch pipe from Fine Avenue to the detention basin at the park site near Junction C-165.
- Reduction in size of the 6 acre-foot detention basin at the park site near Junction C-165.

## **Stormwater Model**

The EPA Storm Water Management Model (SWMM) was used to model the storm drainage system at Village One for the preparation of the Master Plan Update Report of April 2002. In order to evaluate the effectiveness of the system with the improvements described above, the subwatersheds, pipes and detention basins in the SWMM model were updated to represent the recently constructed improvements and changes to proposed improvements. Model simulations were then performed for the following conditions:

- Condition 1 0.5 acre-foot detention basin at Junction C-165.  
Ultimate land use for all lands in Village One.  
Stormwaters from the 40 acres bounded by Merle Avenue, Fine Avenue, Sharon Avenue and Claus Road will be diverted to a future detention basin east of Fine Avenue. The existing 36-inch pipe on Fine Avenue will drain into the future detention basin.
- Condition 2 0.5 acre-foot detention basin at Junction C-165.  
Ultimate land use for all lands in Village One, except for the 40 acres bounded by Merle Avenue, Fine Avenue, Sharon Avenue and Claus Road where there will be existing land use.  
For these 40 acres, stormwaters from the 20 acres along the east side of Fine Avenue will enter the existing 36-inch pipe on Fine Avenue. Stormwaters from the 20 acres along the west side of Claus Road will be retained on site.

Condition 3 Same as Condition 1, except a 2.0 acre-foot detention basin at Junction C-165.

Condition 4 Same as Condition 2, except a 2.0 acre-foot detention basin at Junction C-165.

## **Model Results**

The results of the SWMM simulations are listed below and are shown on Figures 1 and 2.

### ***Condition 1***

The storm drainage system can accommodate runoff from the 10-year storm. The locations where there will be ponding in the street during a 10-year storm are the same as in the April 2002 report. The street ponding volumes at these locations will be 4,000 cubic feet or less. The volume of the future detention basin west of Fine Avenue will need to be approximately 11 acre-feet.

With a 0.5 acre-foot detention basin at Junction C-165 the pipe from Junction C-165 to Junction C-109 can be downsized from 24-inch to 12-inch. There is no benefit of the 0.5 acre-foot detention basin downstream of Junction C-109.

### ***Condition 2***

The 36-inch pipe in Fine Avenue from Sharon Avenue to Merle Avenue cannot accommodate the 10-year flow. The ponding volumes will be larger than the volumes given in the April 2002 report. During the 10-year storm approximately 3,000 cubic feet of ponding will occur in the excavated play area at the south side of Elementary School #8, and approximately 3,000 cubic feet of ponding will occur in the streets located northeast of the intersection of Fine and Sharon Avenues.

There will be greater flow in the 42-inch pipe in Merle Avenue west of Fine Avenue than there would be with the improvements recommended in the Master Plan Update Report. This greater flow results in ponding upstream of the intersection of Fine and Merle Avenues. During the 10-year storm there will be approximately 9,900 cubic feet of street ponding at Junction C-121, and 5,200 cubic feet of street ponding at Junction C-123.

With a 0.5 acre-foot detention basin at Junction C-165, the pipe from Junction C-165 to Junction C-109 can be downsized from 24-inches to 12-inches, which is the City's minimum pipe size.

### ***Condition 3***

The results of Condition 1 indicate that the storm drainage system can accommodate runoff from the 10-year storm. By enlarging the detention basin from 0.5 acre-feet to 2.0 acre-feet there will be no benefit.

### ***Condition 4***

The results of Condition 2 indicate that the storm drainage system located west of Junction C-109 can accommodate runoff from the 10-year storm. By enlarging the detention basin from 0.5 acre-feet to 2.0 acre-feet there will be no benefit.

## **Findings and Conclusions**

### ***Conditions 1 and 2***

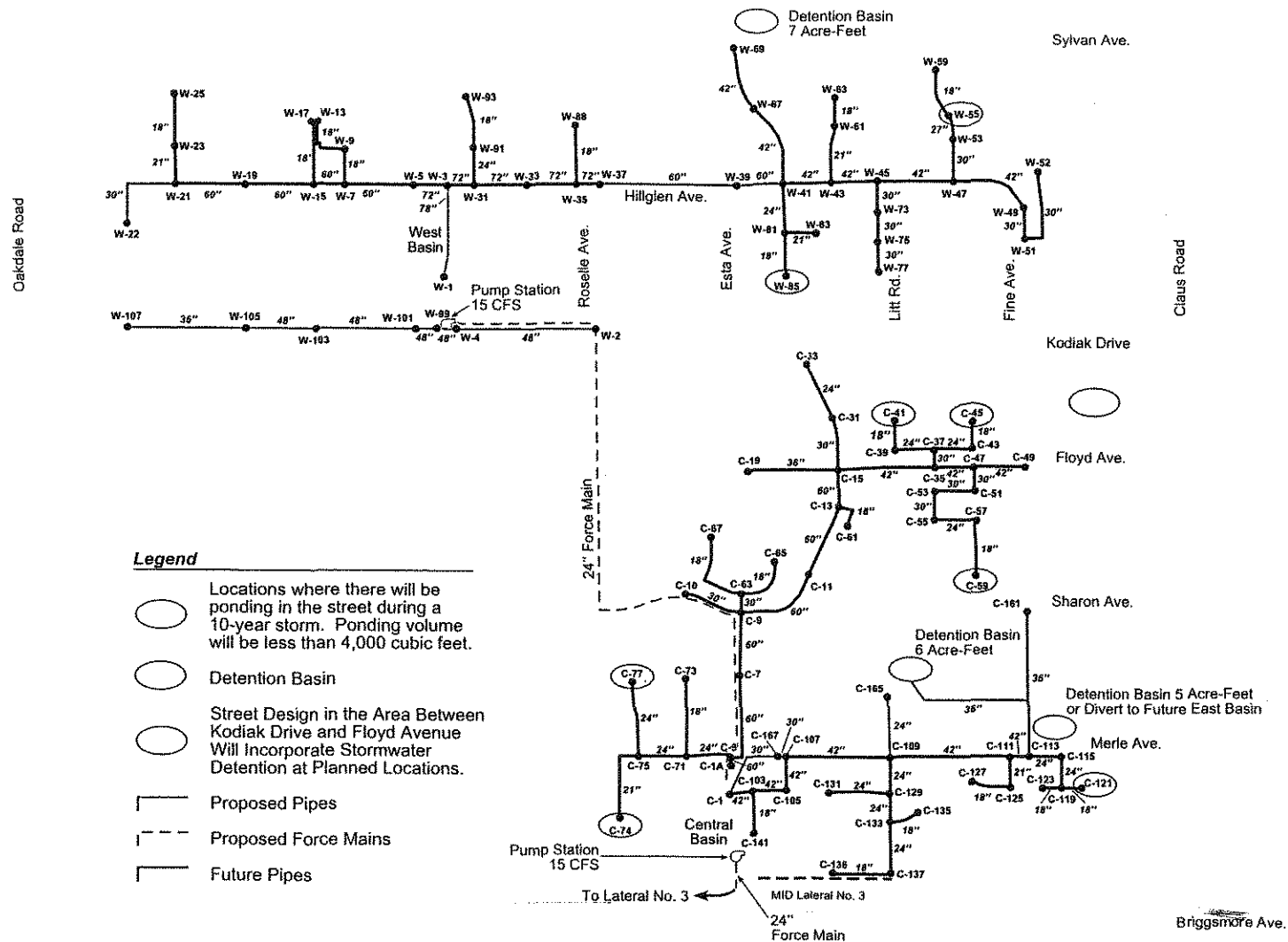
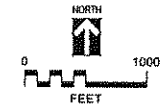
- The street elevations in the area northeast of the intersection of Fine and Sharon Avenues should be at elevations appropriate for gravity flow to the existing 36-inch pipe at Junction C-161.
- Pumping may be needed to empty the future detention basin between Fine Avenue and Claus Road because ground elevations increase toward the east.

### ***Condition 2***

- The duration of the ponding at the excavated play area at the south side of Elementary School #8 will be less than 15 minutes during the 10-year storm. The ponding volume of approximately 3,000 cubic feet can be accommodated in the play area that has a capacity of more than 35,000 cubic feet.
- During the 10-year storm, the volume of street ponding at Junction C-121 will increase from approximately the 3,500 cubic feet in the April 2002 report to approximately 9,800 cubic feet. Also the volume of street ponding at Junction C-123 will increase from approximately 1,000 to 5,000 cubic feet.
- During the 10-year storm, the duration of street ponding at Junction C-121 and C-123 will increase from approximately 15 to 25 minutes.
- As development occurs in the 40 acres bounded by Merle Avenue, Fine Avenue, Sharon Avenue and Claus Road, stormwaters from the developments will need to be drained to a future detention basin east of Fine Avenue.

## **Conditions and Limitations**

The conditions and limitations stated in the Storm Drainage Master Plan Update Report of April 2002 also apply to this addendum.



This figure is from the April 26, 2000 Report

**Figure 9**  
**Stormwater System for**  
**Currently Proposed Storm Drain**  
**Master Plan Update**

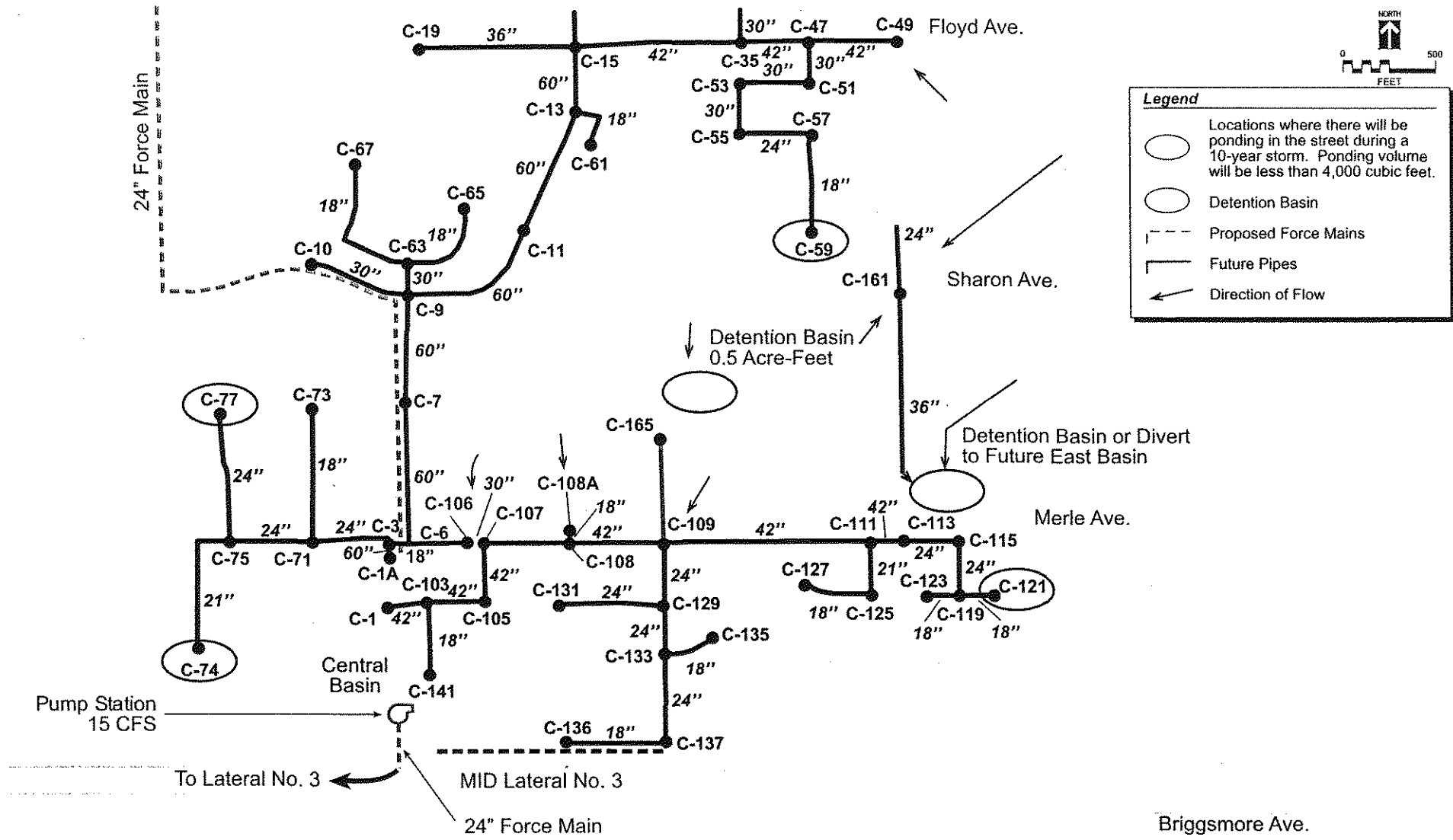


Figure 1  
Condition 1

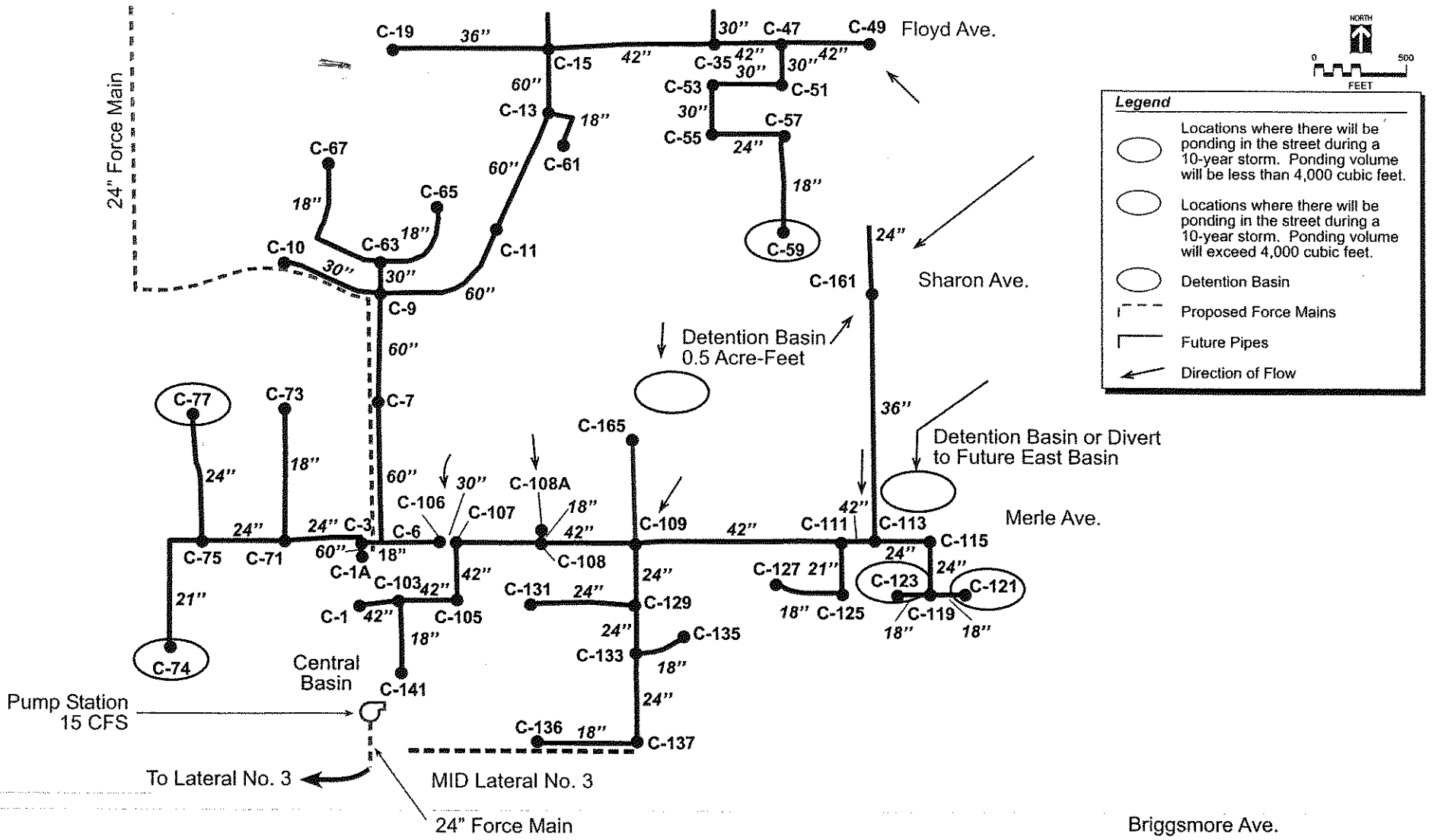


Figure 2  
Condition 2

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-648**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(569). (JAMES AND SUSAN COLEMAN)**

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by James and Susan Coleman on June 15, 2004, to reclassify from Low Density Residential (R-1) Zone to Planned Development Zone, P-D(569), to allow the development of 12 custom homes, property located on the south side of Scenic Drive, east of Scenic Drive described as follows:

R-1 to P-D(569)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Southwest Quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Parcel "A" as per Parcel Map filed on March 1, 1972 in Book 13 of Parcel Maps, at Page 85, Stanislaus County Records.

Also including that half of Scenic Drive and that half of Scenic Bend immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on October 18, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-63, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed custom homes are consistent with the current General Plan land use designation for the site.
2. The proposed custom homes are compatible with the adjacent land uses along Scenic Bend.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 7, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of James and Susan Coleman for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-63 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3372-C.S. on the 7<sup>th</sup> day of December, 2004, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(569),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(569), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and design guidelines titled "Coleman Custom Homes" as amended in red, stamped approved by the City Council on December 7, 2004.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhoods Director along Scenic Drive, Scenic Bend, and the front yard area. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Prior to the issuance of a building permit for any structure, a tentative map shall be approved and final subdivision map shall be recorded.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Prior to the issuance of a building permit, dedication along Scenic Drive to a modified 90-foot standard as approved by the Public Works Department and dedication of Scenic Bend shall be made consistent with Standard Specifications.
6. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants and plans with turning radius of the private street as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
7. A five-foot-wide planting easement shall be provided along Scenic Bend as approved by the Public Works Department.
8. Prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a homeowner's association which shall guarantee continued maintenance of the front yard area, which is demarcated on the site plan as the area between the street right-of-ways and the dashed line on the street-facing side of each dwelling unit. The Articles of Incorporation shall be filed with the Secretary of State prior to recordation of the final subdivision map. The covenants, conditions and restrictions shall be recorded prior to or concurrently with the final subdivision map.
9. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
10. Prior to issuance of a Certificate of Occupancy, a seven-foot-high decorative masonry wall shall be installed along Scenic Drive and a neighborhood fence shall be installed along Scenic Bend as approved by the Community and Economic Development Director.

In addition to the above, the following conditions are mitigation measures from the Master Environmental Impact Report:

Air Quality Measures:

11. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
12. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
13. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
14. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
15. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
16. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
17. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
18. Suspend excavation and grading activity when winds exceed 20 mph; and
19. Limit the area subject to excavation, grading and other construction activity at any one time.

Noise Measures:

20. The City's Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air

of the steam of any steam equipment or exhaust from any stationary internal-combustion engine.”

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- A. A hammer, or any other device or implement used to pound or strike an object.
- B. An impact wrench, or other tool or equipment powered by compressed air.
- C. A hand-powered saw.
- D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, backhoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

- H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
21. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following;
- A. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
  - B. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally Unacceptable," or "clearly unacceptable,") shown in Table 1 and the most recent noise contours for the City shown in Figure VII-1 [of the City's Urban Area General Plan].
22. For new single-family residential development within the  $L_{dn}$  65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
- A. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
  - B. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.

- C. Incorporate construction techniques to achieve an interior noise limit of 45 L<sub>dn</sub> (these potential techniques are presented in CCR Title 24 standards).

Archaeological or Historic Sites Measures:

23. For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the 1995 Master EIR), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedure described in Policy 2(a), above.
24. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K

Storm Drainage, Flooding, and Water Quality Measures:

25. The State Water Control Board and City of Modesto require a Storm Water Pollution Prevention Plan (SWPPP) to be developed prior to construction activity. A copy of the notice of intent (NOI) and SWPPP shall be required to obtain a grading permit if required by the Public Works Department.
26. The developer shall implement pre- and post-construction best management practices (BMPs) to minimize pollutants entering the storm system.

Schools Measures:

27. To the extent allowed by State law, annexation to the appropriate schools Community Facilities District will be required as a condition of final map approval. If this requirement cannot be enforced due to the status of State law, then prior to issuance of the first building permit or final map approval, whichever is earlier, the developer shall provide written verification from the affected school districts that a determination has been made as to whether the developer will pay the school fees in effect or annex to the appropriate Community Facilities District.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone,

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P-D(569):

The construction program be accomplished in phases as follows:

Construction to begin on or before December 7, 2006 and completion to be not later than December 7, 2007.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(569), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: Greg Omer  
Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-649**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(569), PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE, EAST OF SCENIC BEND (JAMES AND SUSAN COLEMAN)**

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, James and Susan Coleman have proposed that the zoning designation for the property located on the south side of Scenic Drive, east of Scenic Bend be amended to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(569), in the City of Modesto (the “project”), to allow a 12 unit custom homes, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2004-57 reviewed the proposed amendment to the Zoning Map and rezone P-D(569) project to determine whether the

project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“Master EIR”), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on November 5, 2004, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 7, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(569) project, a copy of which is attached hereto as **Exhibit “A”**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Master EIR (SCH No. 1999082041).
2. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

4. Based on the Initial Study, the City of Modesto finds and determines:
  - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b. No new or additional mitigation measures or alternatives are required.
  - c. The project is within the scope of the MEIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

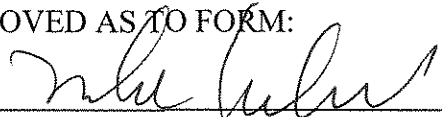
By:   
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/C&ED 2004-57

**City of Modesto**

**Finding of Conformance to the  
General Plan Master EIR:**

**Initial Study C&ED No. (2004-57)**

**For the proposed:**

**PDZ- COLEMAN**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**September 30, 2004**

**City of Modesto  
Master EIR Initial Study Checklist**

**I. PURPOSE**

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the proposed Planned Development for new single family homes is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect by the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

**II. PROJECT DESCRIPTION**

- A. Title: Rezone to Planned Development to develop single-family homes
- B. Address or Location: South Side of Scenic Avenue, East of Scenic Bend
- C. Applicant: James and Susan Coleman, 2702 Scenic Bend, Modesto, Ca. 95355
- D. City Contact Person: Paul Liu

Project Manager: Paul Liu  
Department: Community and Economic Development Department  
Phone Number: (209) 577-5267  
E-mail address: pliu@modestogov.com

- E. Current General Plan Designation(s): (R) Residential
- F. Current Zoning Classification(s): (R-1) Low-Density Residential

- G. Surrounding Land Uses: North: Single Family Residential  
South: Single Family Residential, there are large parcels southwest of the project site  
East: Single Family Residential  
West: Single Family Residential

- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

This is an application to rezone 4.71 acres from R-1, Low Density Residential to P-D, Planned Development for 12 custom single family homes served by a private street. A tentative subdivision map would follow to formally create the individual lots. The tentative map would be covered by this environmental document if it is consistent with the approve P-D approval.

- I. Other Public Agencies Whose Approval is Required:

None

### III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1.  **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
- C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
- D. Based on the Initial Study, the City of Modesto finds and determines:
  - a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b) No new or additional mitigation measures or alternatives are required.
  - c) The project is within the scope of the MEIR
- E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

2.  **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

- A. The type of project is described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.
3.      **Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:
- A. The type of project is described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Paul J. Fin  
Project Manager

Associate Planner 10-1-04  
Title Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  | X   | <input type="checkbox"/> |
| (2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template.         | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources outside of the scope of the information identified in the Master EIR. | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  | X   | <input type="checkbox"/> |

#### 5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

- |   | YES | NO                       |
|---|-----|--------------------------|
| (1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.  | X   | <input type="checkbox"/> |
| (2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings: . | X   | <input type="checkbox"/> |
| (3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.  | X   | <input type="checkbox"/> |

- (4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available. X
- (5) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development. X

#### IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 buildout of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

#### 1. TRAFFIC AND CIRCULATION

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

Discussion: No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	YES	NO
(1) The project would contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway's peak hour or the development's peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR.		X

Where a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

	YES	NO
(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).	<input type="checkbox"/>	X
(3) Result in inadequate emergency access.	<input type="checkbox"/>	X
(4) Result in inadequate parking capacity.	<input type="checkbox"/>	X

Discussion:

- (1) The proposed project will not generate traffic impacts to the adjacent roadways in excess of what was assumed under the MEIR. No traffic study is required.
- (2) The project does not substantially increase hazards due to a design feature.
- (3) The City's Standards for emergency access will be accommodated by this project.
- (4) The project meets City Standards with regard to parking.

**2. AIR QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project:

Discussion: Mitigation Measures appropriate to this project include: AQ-17

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

	YES	NO
(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.		X
(2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.	<input type="checkbox"/>	X

- (3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.  X
- (4) The project would expose sensitive receptors to substantial pollutant concentrations.  X
- (5) The project would create objectionable odors affecting a substantial number of people.  X

Discussion:

- (1) The project for 12 single-family dwellings will not exceeds the emissions thresholds.
- (2) This project does incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measures above).
- (3) Applicable General Plan Policies will be applied to the project. Therefore, project-specific effects will be less than significant for this impact (see mitigations measures above).
- (4) The project is not a significant contributor to pollution levels in that it a subdivision for residential development. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.
- (5) The residential subdivision should not produce objectionable odors.

**3. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. . All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section IV, Mitigation Applied to Project:

Discussion:

The project site is located within the Ldn 65 contour from Scenic Road and the developer will have to demonstrate that the proposed development will incorporate measures to reduce noise impacts to less-than-significant level. Mitigation Measures appropriate to this project include: N-4, N-5, N-6, and N-8.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	X
(2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	X
(4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<input type="checkbox"/>	X

Discussion:

- (1) The City's noise policy is incorporated into the conditions of approval as a mitigation measure.
- (2) The project is consistent with what the General Plan assumed for the site both in land use and intensity and is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project.
- (3) The only permanent noise levels produced by the project would be associated with traffic. The traffic levels are within the scope of what the MEIR assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.
- (4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project.

#### 4. AGRICULTURAL LANDS

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

##### b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

##### Discussion:

There are no mitigation measure applicable to this project.

##### c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) The project will directly result in the development of land outside the March 2003 planning area boundaries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion:

- (1) The project is consistent with the General Plan land use policies. The project site's current uses include a single family dwelling with an abandoned orchard. The property is located within the Baseline Developed Area but is not identified as Important Farmland on Figure V-4-1 of the Modesto Urban Area General Plan and is considered to have minimal effect on the conversion of agricultural land with no mitigation required.
- (2) The March 2003 planning area includes the subject property within its boundaries.
- (3) The project site is not zoned for agriculture, nor is it under Williamson Act contract.
- (4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses.

## **5. WATER SUPPLY**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no mitigation measures applicable to this project.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.		X
(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) Sufficient water supplies are available to serve the proposed development. Engineering and Transportation Staff required the developer to provide a fire flow/water pressure test and have determined that the City has adequate water resources to serve the project for both regular and emergency uses.

**6. SANITARY SEWER SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will

ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no mitigation measures applicable to this project.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.		X
(2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) Engineering and Transportation Staff required that the developer submit estimated sewer demands for the project and determined that the City had adequate sewer capacity to serve the project for both regular and emergency uses.

**7. SENSITIVE WILDLIFE AND PLANT HABITAT**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

There are no mitigation measures applicable to this project.

**c. Project-Specific Effects**

Section V-7.B of the MEIR and provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR as supplemented by the FEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.	<input type="checkbox"/>	X
(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR. The project site is located within the Baseline Developed Area and is not within the Dry Creek Community Planning District and not overlooking the Dry Creek bluff. No further biological review is needed unless specific information is identified in future California Natural Diversity Data Base or through other formal input. The 2003 CNDDDB show Swainson's Hawk nest about 1.5 miles to the east that was documented in 1997. This nest is considered inactive because the siting was longer than five years. The site is surrounded by single-family development although a few large parcels are located to the southwest portion of the site. The site characteristics make it very unlikely that the project would have a significant affect on special status species. The mitigation measures from the MEIR appropriate to this project have been applied to the project as conditions of approval. These are listed in Section V, Mitigation Measures Applied To The Project, below.
- (3) There is no conflict with any local policies or ordinances protecting biological resources.

## **8. ARCHAEOLOGICAL OR HISTORICAL SITES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

Mitigation Measures applicable to this project include: AH-8 and AH-12, Master EIR.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR as supplemented by the FEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.
- (2) The project would not adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. The mitigation measure called for by the General Plan is incorporated into the conditions of approval for the project.

**9. STORM DRAINAGE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation measures appropriate to this project include: SD-7, MEIR.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

		YES	NO
(1)	The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2)	The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.	<input type="checkbox"/>	X
(3)	Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.
- (2) The project proposes to increase the impervious surface. However, it should be designed to meet the standards contained in the "Guidance Manual for New

Development-Storm Water Quality Control Measures,” adopted by the City and applied to the project as a Mitigation Measure. With the application of the appropriate mitigation, the effect will be less than significant.

- (3) The project will contribute additional water runoff. However, with the application of the mitigation measures called for in the conditions of approval of the project, the effect will be less than significant.

## 10. FLOODING AND WATER QUALITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

The site is not located within the 100-year flood zone. Mitigation measures appropriate to this project include: FWQ-14, MEIR.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR as supplemented by the FEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	X
(3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.	<input type="checkbox"/>	X
(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan Designation for the site both in land use and intensity.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3) Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.
- (4) The project would not create or contribute to runoff water in excess of the capacity of existing or planned storm water drainage systems or provide additional sources of polluted runoff. The appropriate mitigation measures will be applied to the project.

**11. PARKS AND OPEN SPACE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

There are no mitigation measures applicable to this project.

**c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR as supplemented by the FEIR

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- (1) The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

## 12. SCHOOLS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. ). As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

#### Discussion:

The project will be made to comply with SB 50 as required by the MEIR.

### c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project addresses compliance with SB 50/Proposition 1A funding provisions as required by the MEIR.

**13. POLICE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

**14. FIRE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

- |     |  |                          |   |
|-----|--|--------------------------|---|
| (1) | The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X |
| (2) | The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project will be meets City Standards for emergency services access.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity. | <input type="checkbox"/> | X  |

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) This project was referred to the County and Solid Waste Division of the Engineering and Transportation Division for review, and no indication was given that there would be a problem serving this project.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR as supplemented by the FEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.                                | <input type="checkbox"/> | X  |
| (3) The project contains a contaminated site not identified as of March 2003.   | <input type="checkbox"/> | X  |
| (4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.  | <input type="checkbox"/> | X  |
| (5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment. | <input type="checkbox"/> | X  |

#### Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.
- (3) The project site is not known to contain any contaminants.
- (4) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. It is a residential subdivision.
- (5) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

**17. LANDSLIDES AND SEISMIC ACTIVITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no areas identified in the MEIR that are considered unstable or have the potential to become unstable and result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

**18. ENERGY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.

**19. PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project includes a substantive amendment to the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(3) The project would physically divide an established community	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) No amendment to the General Plan is required by this project.
- (3) The project will be an infill project within an existing residential area of the urbanized City. It will not divide an established community.

**20. AESTHETICS**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

	YES	NO
(1) The project is inconsistent with the Modesto Urban Area General Plan.	<input type="checkbox"/>	X
(2) The project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	X
(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.	<input type="checkbox"/>	X
(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.	<input type="checkbox"/>	X

Discussion:

- (1) The project is consistent with the General Plan in both land use and intensity.
- (2) The project site is not located within the Dry Creek Community Planning District and no scenic vistas are at risk from this project. Therefore, this project will not have a substantial adverse affect on scenic vistas.
- (3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings, because it is a low density single family subdivision consistent with the surrounding residential areas.
- (4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area.

**V. MITIGATION MEASURES APPLIED TO THE PROJECT**

**A. Master EIR Mitigation Measures Applied to the Project**

Pursuant to CEQA Section 21157.1 ( c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project.

**Traffic and Circulation Measures:**

N/A

**Air Quality Measures:**

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
2. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
3. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
4. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*

5. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
6. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
7. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
8. Suspend excavation and grading activity when winds exceed 20 mph; and
9. Limit the area subject to excavation, grading and other construction activity at any one time.

**Noise Measures:**

1. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- A. A hammer, or any other device or implement used to pound or strike an object.
- B. An impact wrench, or other tool or equipment powered by compressed air.
- C. A hand-powered saw.
- D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
- E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of

public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

- H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
2. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following:
- A. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
  - B. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally Unacceptable," or "clearly unacceptable,") shown in Table 1 and the most recent noise contours for the City shown in Figure VII-1 [of the City's Urban Area General Plan].
3. For new single-family residential development within the  $L_{dn}$  65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
- A. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
  - B. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.
  - C. Incorporate construction techniques to achieve an interior noise limit of 45  $L_{dn}$  (these potential techniques are presented in CCR Title 24 standards).

**Agricultural Land Measures:**

N/A

**Water Supply Measures:**

N/A

**Sanitary Sewer Service Measures:**

N/A

**Sensitive Wildlife and Plant Habitat Measures:**

N/A

**Archaeological or Historic Sites Measures:**

1. For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the 1995 Master EIR), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedure described in Policy 2(a), above.
2. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K

**Storm Drainage Measures:**

1. The State Water Control Board and City of Modesto require a Storm Water Pollution Prevention Plan (SWPPP) to be developed prior to construction activity. A copy of the notice of intent (NOI) and SWPPP shall be required to obtain a grading permit if required by the Engineering and Transportation Director.
2. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

**Flooding and Water Quality Measures:**

1. The State Water Control Board and City of Modesto require a Storm Water Pollution Prevention Plan (SWPPP) to be developed prior to construction activity. A copy of the notice of intent (NOI) and SWPPP shall be required to obtain a grading permit if required by the Engineering and Transportation Director.
2. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

**Parks and Open Space Measures:**

N/A

**Schools Measures:**

1. To the extent allowed by state law, annexation to the appropriate schools community facilities district will be required as a condition of final map approval. If this requirement cannot be enforced due to the status of state law, then prior to issuance of the first building permit or final map approval, whichever is earlier, the developer shall provide written verification from the affected school districts that a determination has been made as to whether the developer will pay the school fees in effect or annex to the appropriate community facilities district.

**Police Services:**

N/A

**Fire Services:**

N/A

**Generation of Solid Waste**

N/A

**Generation of Hazardous Materials**

N/A

**Potential for Landslides and Seismic Activity**

N/A

**Energy**

N/A

**Planning and Land Use**

N/A

**Aesthetics**

N/A

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-650**

**A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 18 TO THE VILLAGE ONE SPECIFIC PLAN TO AMEND THE VILLAGE ONE SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATIONS OF PRECISE PLAN AREAS 23 AND 24 FROM COMMERCIAL, VILLAGE RESIDENTIAL, AND MULTI-FAMILY RESIDENTIAL TO VILLAGE RESIDENTIAL AND MEDIUM-DENSITY RESIDENTIAL, AND TO AMEND TO SOME OF THE VILLAGE ONE DESIGN AND DEVELOPMENT STANDARDS RELATED TO PRECISE PLAN AREAS 23 AND 24, PROPERTY LOCATED ON THE WEST SIDE OF CLAUS ROAD, NORTH AND SOUTH OF FLOYD AVENUE. (MONTEREY DEVELOPMENT GROUP)**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, to guide the development of 1,780 acres located in northeast Modesto, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan to adopt an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan to improve technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan to rewrite and reorganize the Plan to be more implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH No. 90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan to widen Floyd Avenue from three-to-five lanes, realign the Claus/Sylvan intersection, delete the non-potable water supply for public landscaping, and integrate mitigation monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan to revise the Residential Design Policies for cul-de-sacs, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to the Village One Specific Plan to reduce costs and to implement recommendations to increase the marketability of development within the Village One area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Nos. 8, 32, and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area, and

WHEREAS, the City Council on May 6, 1997, by Resolution No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt public facilities from precise plan requirements, to streamline the Specific Plan

amendment process, and to provide minor clarification to various policies and diagrams,  
and

WHEREAS, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete the requirement for a business park market study, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park, and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20, and

WHEREAS, the City Council on September 26, 2000, by Resolution No. 2000-507, adopted Specific Plan Amendment No. 15 to the Village One Specific Plan to reduce the noise setback along Claus Road, and

WHEREAS, the City Council on May 7, 2002, by Resolution No. 2002-230, adopted Specific Plan Amendment No. 16 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, the City Council on April 1, 2003, by Resolution No. 2003-177, adopted Specific Plan Amendment No. 17 to the Village One Specific Plan to allow for a revised infrastructure financing plan for Village One, including the formation of a new

community facilities district for the remaining undeveloped, unvested property in Village One, and

WHEREAS, the Monterey Development Group filed an application to amend the Village One Specific Plan to change the land use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards, and

WHEREAS, on October 18, 2004, at 7:00 p.m. the Planning Commission held a noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received concerning the Village One Specific Plan Amendment, but the hearing was continued to November 15, 2004, due to an error in notification, and

WHEREAS, on November 15, 2004, at 7:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Village One Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2004-66, recommended to the City Council approval of an amendment to the Village One Specific Plan to change the land use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing on December 7, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Amendment No. 18 to the Village One Specific Plan to change the land use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards is consistent with the Modesto Urban Area General Plan and the Village One Specific Plan is hereby amended to read as shown on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said Amendment to the Village One Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"  
VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. 18



**FALLING LEAF SUBDIVISION  
VILLAGE ONE SPECIFIC PLAN AMENDMENT  
FOR PRECISE PLAN AREAS 23 AND 24  
November 29, 2004**

**B-1 Description of Amendment**

This application proposes to amend the Village One Specific Plan for purposes of developing the Falling Leaf Subdivision. The development encompasses land within both Precise Plan Areas (PPA) 23 and 24, and through a transference of density calculation, we will demonstrate that the project will remain in substantial compliance with the Village One Guiding Principles and intent of the underlying zoning.

In addition, this application will request specific plan exceptions, in both Precise Plan Area #23 and #24, to reduce the minimum lot size of 2750 sq. ft. and the minimum width criteria of using 15' in determining the 300 sq. ft. of "usable yard area". These exceptions are requested because of the proposed unique housing type of single family homes at medium density. This application will also establish new standards for small lot development by providing a minimum of 150 sq. ft. of common park area per lot and one on-street "guest" parking space per lot.

**B-2 Presentation of Need for Amendment**

Chapter V, paragraph B (2) of the Village One Specific Plan, requires that the applicant (Monterey Development Group) document the need for a Specific Plan Amendment indicating the economic, social, or technical issues which generate the need.

The Falling Leaf application request for a Specific Plan Amendment is a response to an evaluation of the Modesto housing market in general, and the Village One area specifically. We have determined that most recent projects have continued a pattern of developing in repeated lot sizes and housing types which only service a narrow segment of the market demand for new housing. Most, if not all of these housing options, offer similarity in design and price.

Falling Leaf is our response to the demand for more varied and affordable housing options. Our project offers three distinctive living environments, two of which are not currently being provided in the local marketplace. The first neighborhood provides for homes with garages in the rear of the house accessed off an alley. This enhances the character of the street and is consistent with the original intent of the Village One Specific Plan. In addition, 44 of these units incorporate an innovative carriage type, 625 sq. ft., 1-bedroom unit with its own garage, which will contribute to the City of Modesto's affordable housing needs. The second neighborhood provides houses built in clusters of five, accessed from a common parking court. The orientation of this product minimizes the impact of garages on the residential streets, as did the product in the first neighborhood. The third neighborhood consists of a more traditional lot which mirrors the Banyon Estates project. This

neighborhood provides a project buffer from the denser cluster home neighborhood to the traditional residential living in Banyon Estates.

The Falling Leaf land plan provides a number of dwelling units in substantial conformance with that envisioned by the Specific Plan, with more diversity of housing type and price range, which will be affordable to a wider range of residents. Falling Leaf also maintains the affordable housing element that would have been provided by the multifamily designation under the Specific Plan guidelines.

With the proposed changes offered by Falling Leaf, the fee revenue generated will be equal to or greater than that previously envisioned Specific Plan, adding much needed additional revenues for the Village One projects.

Based on the influences of the housing market, the Falling Leaf development proposes to offer three uniquely different single-family neighborhood products on a total of 314 lots by eliminating the recommended commercial zones and redistributing the multi-family density over the larger project area. PPA 23 will feature 100 Alley Homes, with rear access to a 2-car garage. Of the 3 Alley Home models being offered, the 44 "Plan 3" models will feature a secondary dwelling unit, with a separate entrance and an additional 1-car garage. PPA 24 provides for 131 Court Homes with garage access off a common court driveway. In addition the medium density Alley and Court Home will provide at least one on-street guest parking space per lot. The existing Banyon Estates neighborhood will be buffered by 64 standard front loaded units on 5,000 sq. ft. lots, and the existing Sundance Lake neighborhood will be buffered by 19 standard front loaded units on 4,730 sq. ft. lots.

The Alley Homes, in PPA 23, and the Court Homes, in PPA 24, shall include lots of less than 2750 square feet minimum as indicated in the Specific Plan.

In PPA #23, Alley Homes shall be constructed on lots ranging from 2100 square feet to 3550 square feet. Due to the unique use of "cross easements", they shall be in substantial conformance to the Specific Plan's "usable yard area" requirement of 300 square feet.

In PPA #24, the Court Homes shall be comprised of five (5) cluster units constructed on lots ranging from 2260 square feet to 3229 square feet, averaging 2730 square feet within each cluster. Again "cross easements" and common driveways shall be instrumental in the development of the individual character of each dwelling unit. All of the cluster lots are designed with a minimum of 300 sq. ft. "usable yard area". A common play area, based on 150 sq. ft. per residential lot, has been provided, in both Area #23 and #24, as supplemental compensation for the adherence to the "usable yard area" standards. The small lots and yard areas are needed to provide the unique and diverse single family housing type at medium density.

B-3 Criteria for Analysis of Amendment

The following analysis, of the amendment's effects, is in compliance with Chapter V(3)(a-h) of the Village One Specific Plan as follows:

- a) Conformance with the Specific Plan Guiding Principles is being adhered to. The current Specific Plan recommends a mixture of commercial, single-family, and multi-family developments equaling approximately 5 acres, 56.4 acres, and 9 acres, respectively, with a combined average number of 485 dwelling units. By factoring in residential units for the commercial areas and reducing the number of units for the required storm basin in PPA 23, this number increases to approximately 507 dwelling units.

In comparison, the Falling Leaf Subdivision is proposing 358 dwelling units (314 lots, 44 of which have the auxiliary one bedroom dwelling unit) combined with the 48 lots in Banyon Estates and the projection for developments on the Vincent/Fiez properties (30 lots), the church site (51 lots) and the rural homesite (3 lots) located on Sharon Avenue for a combined average number of 490 dwelling units (see calculations per item "b").

- b) As further illustrated on the next page, PPA 23 and 24 will remain substantially in compliance with the intent of the underlying Specific Plan zoning. PPA 24 will experience a decrease from its original density that will be offset by an increase in the PPA 23 density. All transfer calculations affect only those areas within the limits of the proposed Falling Leaf Subdivision development. Areas outside the development shall maintain densities in accordance with the original guidelines of the Specific Plan. The designated commercial sites have been deemed less desirable based on physical accessibility and mitigation factors attributing to traffic impacts.

Original Dwelling Unit Calculations:

<u>Area 23</u>		
Sub-Area A	Commercial Conversion to Residential (2.5 ac)(avg. density calculated @ 5.8 du/ac)	= 14 du
Sub-Area B	Village Residential (see Village One Specific Plan) (assumes development of church site per Specific Plan)	= 164 du
<u>Area 24</u>		
Sub-Area A	Commercial Conversion to Residential (2.5 ac) x (avg. density calculated @ 5.6 du/ac)	= 14 du
Sub-Area B	Village Residential (see Village One Specific Plan)	= 108 du
Sub-Area C	Medium High Density Residential (see Village One Specific Plan)	= <u>213 du</u>
<b>Original Total Dwelling Units for PPA 23 and 24</b>		<b>513 du</b>
Area 23 dwelling unit adjustment due to a new storm basin required per the Village One Facilities Master Plan Update (1.1 ac) x (5.8 du/ac)		= <u>-6 du</u>
<b>Adjusted Total Dwelling Units for PPA 23 and 24</b>		<b>507 du</b>

Proposed Dwelling Unit Transfer Calculations:

<u>Area 23</u>		
Sub-Area A	Falling Leaf Alley Home (Lots)	= 100 du
	Falling Leaf Alley Home (Studio Units - Plan 3)	= 44 du
Sub-Area B	Falling Leaf Village Residential (lots)	= 19 du
	Fiez Property, and Vincent Property Remainder (5.2 ac) x (5.8 du/ac)	= 30 du
	Church Site (8.9 ac) x (5.8 du/ac)	= 51 du
<u>Area 24</u>		
Sub-Area A	Falling Leaf Court Homes	= 131 du
Sub-Area B	Falling Leaf Village Residential (lots)	= 64 du
	Banyon Estates (existing development)	= 48 du
	3839 Sharon Avenue (existing 1 ac homesite)	= <u>3 du</u>
<b>Proposed Total Dwelling Units for PPA 23 and 24</b>		<b>490 du</b>

- c) This amendment proposes that the Falling Leaf project will remain consistent with the Comprehensive Policies of Chapter II inasmuch as the anticipated “build out” for PPA 23 and 24 are accomplished through the described method of density transfer. Whereby the project proposes unique single family homes at medium density by means of the Alley Home and Court Home neighborhoods.

The Alley Homes on the northern portion of the site front onto the community avenues, with rear garages off of interior alleys. By moving the garages off the main roads, a community of small cottage homes is created which is very livable and pedestrian friendly. To further enhance the neighborhood streets, we have given the homes a rich architectural style, based on traditional forms and elements that will mesh well with the existing surrounding context.

These homes have three different floor plans, with two elevations each. Massing of the homes consists of one, two and three story elements that aid in creating a visually diverse streetscape. Sizes of these homes range from 1,700 – 2,400 sq. ft., all with 3 bedrooms and 2 car garages. 44 of these homes incorporate a carriage type, one bedroom unit with its own garage, all separated from the main living space. This unit can be rented to help subsidize the mortgage of the home making the unit more accessible to a wider range of potential homeowners. It is anticipated that these income producing unit will adhere to the affordable housing standards of the city.

Each of the alley homes shall have a private, at grade, courtyard to one side in addition to their front porch or stoop. With a 4’ setback between homes, the utilization of this outdoor space is expanded by the use of a landscape easement from the adjacent neighbor’s property and through jogging the exterior wall at the private outdoor space. Through these measures, we are able to create courtyards that range in depth from 11’-6” to 18’-4” with areas ranging from 308 sq. ft. to over 460 sq. ft. while still reaching a density of approximately 12 dwelling units per acre.

The Court Homes directly south of Floyd Avenue consist of a series of five home clusters placed around a landscaped off street courtyard. Each residence within these courtyard homes has a garage that is accessible from the central court. These courtyards remove the garage doors from the main streets producing a soft and inviting neighborhood, and creating a safe place for children to play away from traffic. The five homes arranged around the courtyard also creates smaller micro-communities within the larger one where strong relationships can be formed between its residents. In addition, each home has a private back yard ranging from 330 to 400 square feet of useable space.

Through utilization of these methods, we are able to create a beautiful and friendly community, made up of single-family detached homes with private rear yards, while also achieving a density of 11.4 dwelling units per acre. This density is also brought about through the use of a 4' setback between homes, softened with landscape easements between the three homes at the rear of the cluster. This easement has been put in place to allow the two corner lots to enhance their entry porch with landscaping as well as enrich the overall courtyard.

Each five home cluster is made up of three different plans ranging from 1,600 – 2,100 sq. ft. with 3 – 5 bedrooms and 2 car garages. Each floor plan has been designed with two elevations using traditional massing and detailing pulled from the neighboring communities. The largest plan, which faces the street, has an additional third elevation to aid in creating a more diverse streetscape along the main streets of the community.

The project seeks exceptions to the minimum lot size of 2750 sq. ft. and 15 foot dimension for “usable yard area” in order to accomplish the single family developments at medium density.

- d) The Falling Leaf project will provide a buffer to the residents of Banyon Estates and Sundance Lake developments by providing conventional single-family lots adjacent to the common property lines.

PPA 23 is unique in several ways. First, is the presence of the Church of the Latter Day Saints at the northeast corner of Floyd and Fine Avenues. The site has an underlying residential zoning; however, it is compatible by definition of conditional use in the Specific Plan and will remain unaffected by this amendment.

The second concern was with the communication tower located on the Vincent property. Stevens, Ferrone & Bailey Engineering Company, Inc., performed a review and evaluation (see attached report dated May 14, 2004, of the structural and safety issues associated with the 280-foot high tower). Their findings recommended that a clear zone setback area, equal to the height of the tower, be designated to restrict building. The Falling Leaf Subdivision design has followed this recommendation.

The approval of this amendment will not have significant visual impacts on-site or off-site that are not in substantial conformance with the Village One Guiding Principles and intent of the underlying zoning. Due to the increased density, small lot developments require particular attention to architectural elements and landscaping enhancement in order to ensure the continued livability, appeal, and viability of the neighborhood.

- e) Direct traffic impacts associated with Floyd Avenue and the future development of the Claus Road urban interchange are of concern. By eliminating the multi-family and the commercial areas, the impacts to Floyd Avenue will be reduced. Ingress and egress into PPA 23 is provided by a residential street that intersects with Fine Avenue. A secondary interim access onto Floyd Avenue should be permitted until the ultimate urban interchange is built. At which time, the interim access point will be converted into a pedestrian and emergency vehicle access only. An access control wall will be constructed to restrict pedestrian and vehicular access along the remaining frontage on both sides of Floyd Avenue, and the Claus Expressway frontage.
- f) The proposed amendment remains consistent with the preservation of open space as presented in the Village One Specific Plan. Additional open space has been designated for a "park/tot lot" based on providing 150 sf per lot.
- g) All public utilities are available at the project site and adhere to the conceptual design standards as presented in Chapter II of the Village One Specific Plans.

The services of URS Corporation were solicited to evaluate PPA 23 and 24 for purposes of mitigating the presence of the Swainson's Hawk (see attached letter dated April 5, 2004). Their findings concluded that the properties have a low potential for nesting or foraging of the Swainson's Hawk and would provide a poor habitat for prey.

**1PRECISE PLAN AREA NO. 23  
(FIGURE III-24)**

1. Acreage: 32.1 Acres (of which 2.3 acres is devoted to noise setback area)
2. Land Use Intensity:
  - a. Medium Density Residential (Alley Homes) 14.3 Acres (of which 1.8 acres is devoted to noise setback area, and 1.1 acre for a basin)
  - b. Village Residential 17.8 Acres (of which 0.5 acre is devoted to noise setback area)
3. Special Considerations:

The Precise Plan shall incorporate the following policies:

- a. Within Sub-Area "A," Single-Family Residential and Multi-Family Residential mix shall be allowed, yielding an average density of 11.5 dwelling units/acre.
  1. The average number of dwelling units is 144.
  2.  $144 \text{ dwelling units} \div 12.5 \text{ acres} = 11.5 \text{ dwelling units/acre}$ .
  3. Sub-Area "A" site plan and plot plan shall be approved by means of an approved Tentative Subdivision Map and Final Development Plan.
- b. Within Sub-Area "B," only Single-Family Residential uses shall be allowed.
  1. The average number of dwelling units is 100. ( $17.3\text{ac} \times 5.8\text{du/ac}$ )
- c. The existing church shall be allowed to remain. However, its Principal Underlying Zone is R-1, Single-Family Residential. Expansion of the church facilities shall require a Conditional Use Permit.
- d. Vehicle access to the existing church from Floyd Avenue shall be provided with minimal disruption to through-traffic flow.
- e. The northern boundary of the Precise Plan Area shall be the north boundaries of Assessor's Parcel Numbers 52-23-06 and 52-23-56.
- f. Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Chapter III Section D.11&12.
- g. Parcels adjacent to Floyd Avenue and Claus Expressway shall be back-up lots, and provide a traffic noise mitigation setback where no habitable dwellings shall be placed, for all residential units as well as a 7-foot high sound wall, in accordance with Figure II-3 and Chapter III Section D.11.

Precise Plan Area No. 23  
(Figure III-24)

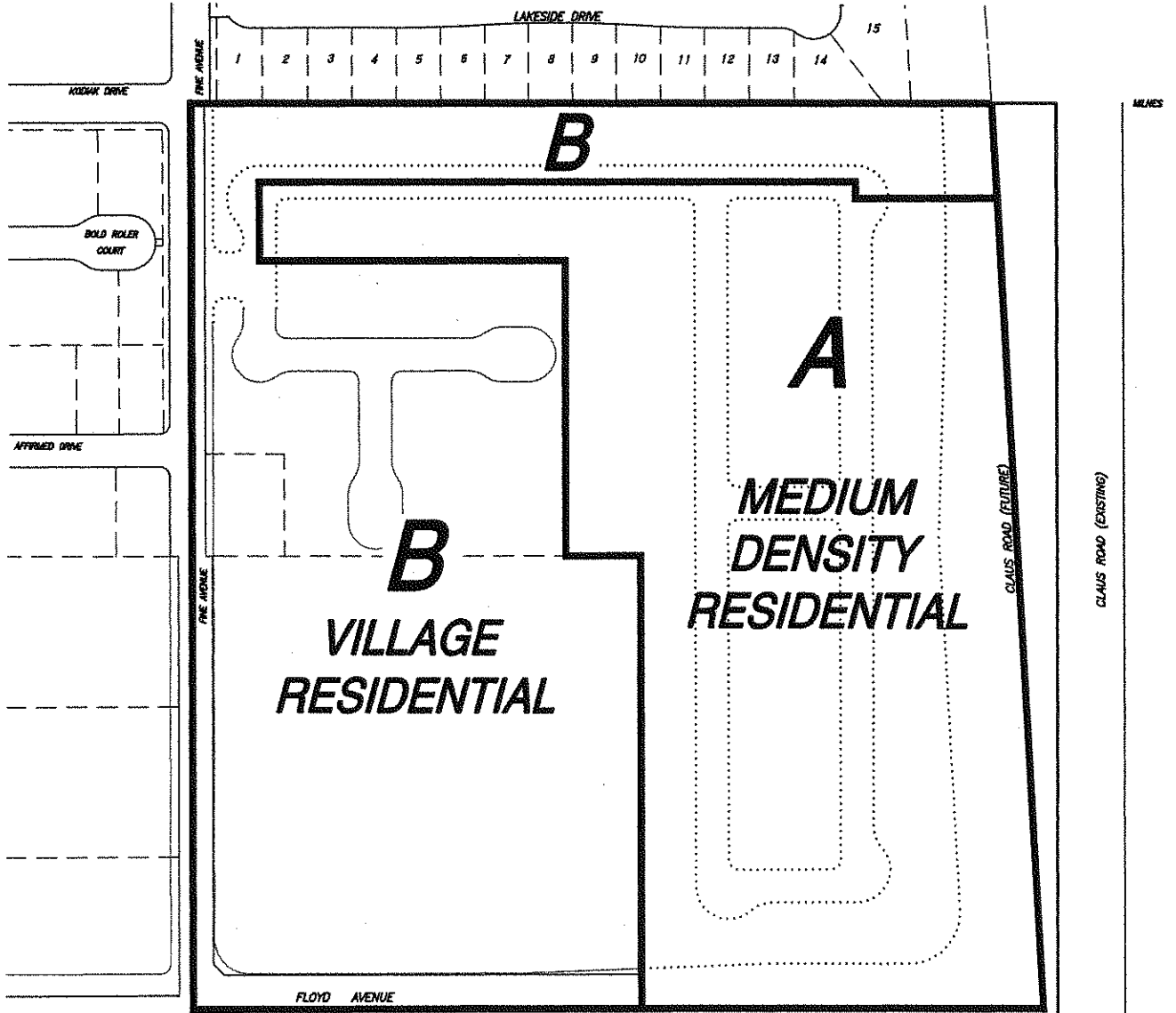
- h. Setback areas for landscaping and the trail system on Claus Expressway shall be provided in accordance with the standards in Chapter II.
- i. Floyd Avenue dedication will be required to the ultimate right-of-way alignment as shown on the Falling Leaf Vesting Tentative Map. In the interim, Floyd Avenue will be constructed to the 104' minor arterial street standard to the existing location of Claus Road. Landscaping shall be installed between the curb and sound wall. Interim access on to Floyd Ave from Sub-Area "A" is recommended to alleviate traffic congestion of Fine Ave. Requirements and approval shall be by the Precise Plan. See Section IV, subsection "Circulation" of the Precise Plan.
- j. The bike route on Floyd Avenue shall be Class 1 as shown on the Floyd Avenue cross section in the Facilities Master Plan Update, Layouts of Roads & Intersections.
- k. Parcels less than 2750 square feet shall be permitted within Sub-Area "A" by the approved Final Development Plan which includes Architectural Site Plans.
- l. In accordance with Chapter II Section G.13.a.4, medium density single family lots within Sub-Area "A" shall substantially conform to the 300 square feet minimum of "usable yard space". A variance of the minimum 15-foot dimension criteria will be permitted by the approved Final Development Plan which includes Architectural Site Plans.
- m. A community park/open space totaling a minimum of 150 square feet per every medium density single family lot within Sub-Area "A" shall be established.
- n. A minimum of one "guest" on-street parking space or a dedicated off-street parking space shall be provided per single family lot within Sub-Area "A".
- o. Small lot developments in Sub-Area "A" require particular attention to architectural elements and landscaping enrichment in order to ensure the continued livability, appeal, and viability of the neighborhood. Facades that are visible from adjacent streets or common open spaces should display greater visual interest. This can be done by using architectural elements that break up the massing of large buildings, such as windows, porches, bay windows, balconies, and other architectural features. High clerestory-fixed windows shall be provided on the first floor adjacent to the neighbor's yard area. Attention should be provided for landscaping in the front yards and between dwelling units. Other design features may include but not limited to stamped concrete for the alleys. The Final Development Plan will approve the design standards. The design features for the village residential homes in Sub Area "B" shall be compatible with the homes in Sub Area "A" within the Falling Leaf project.

Precise Plan Area No. 23  
(Figure III-24)

- p. The building setbacks for Sub-Area "A" will be approved by the Final Development Plan. The guidelines for the setbacks are a minimum 10 feet next to public streets (including back-up situations), minimum 4 feet on the sides and rear.
- q. Habitable dwellings shall be prohibited within a 280-foot radius clear zone around the communications tower as shown on the Falling Leaf Vesting Tentative Subdivision Map.
- r. The village residential lots within Sub Area "B" adjoining the north boundary of Precise Plan Area 23 shall have the following minimum setbacks; 10-foot front yard, 20-feet to garage, 5-foot side yard, and 20-foot rear yard.
- s. Disclosure of Claus Expressway shall be provided to home buyers of lots adjoining the Claus Expressway lineal trail as shown in Chapter II, as approved by the Tentative Subdivision Map and/or the Final Development Plan.
- t. A masonry wall shall be built alongside the existing wood fence of Precise Plan Area 10. The new masonry wall shall match the height of the existing wood fence.
- u. The Falling Leaf development shall install off-site improvements limited to curb, gutter, sidewalk, and street widening only, along the east side of Fine Ave within Precise Plan Area 23. Said improvements will bridge any non-improved frontages between the Falling Leaf entrance and the existing church improvements, providing a safe route to school. Right-of-way will be dedicated without expense to the Falling Leaf developer. Improvement obligation will cease when construction of the Falling Leaf development is complete and necessary right-of-way has not been dedicated.

4. Principal Underlying Zone(s)

- a. Sub-Area "A" – Medium-Density Residential, yielding an average gross density of 11.5 dwelling units/acre.
- b. Sub-Area "B" – R-1, Low-Density Residential



**PRECISE PLAN AREA NO. 24  
(FIGURE III-25)**

1. Acreage: 34.4 Acres (of which 2.4 acres is devoted to noise setback area)
  
2. Land Use Intensity:
  - a. Medium-Density Residential 12.7 Acres (of which 1.2 acres is devoted to noise setback area)
  - b. Village Residential 21.7 Acres (of which 1.2 acres is devoted to noise setback area)
  
3. Special Considerations:

The Precise Plan shall incorporate the following policies:

- a. Within Sub-Area "A," only Single-Family Residential uses shall be allowed, with an average density of 11.4 dwelling units/acre.
  1. The average number of dwelling units is 131.
  2.  $131 \text{ dwelling units} \div 11.5 \text{ acres} = 11.4 \text{ dwelling units/acre}$ .
  3. Sub-Area "A" site plan and plot plan shall be approved by means of an approved Tentative Subdivision Map and Final Development Plan.
- b. Within Sub-Area "B," only Single-Family Residential uses shall be allowed.
  1. The average number of dwelling units is 115.
- c. Setback areas for landscaping and the trail system on Claus Expressway shall be provided in accordance with the standards in Chapter II.
- d. Vehicle access to Sub-Areas "A" should be designed to minimize disruption to traffic flow on Floyd Avenue, consistent with Chapter II Section G.13.a.14.
- e. A knuckle shall close Sharon Avenue at its access to Claus Road. Abandonment of the right-of-way shall be processed.
- f. Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Chapter III Section D.11&12.
- g. Parcels adjacent to Floyd Avenue and Claus Expressway shall be back-up lots, and provide a traffic noise mitigation setback where no habitable dwellings shall be placed, for all residential units as well as a 7-foot high sound wall, in accordance with Figure II-3 and Chapter III Section D.11.

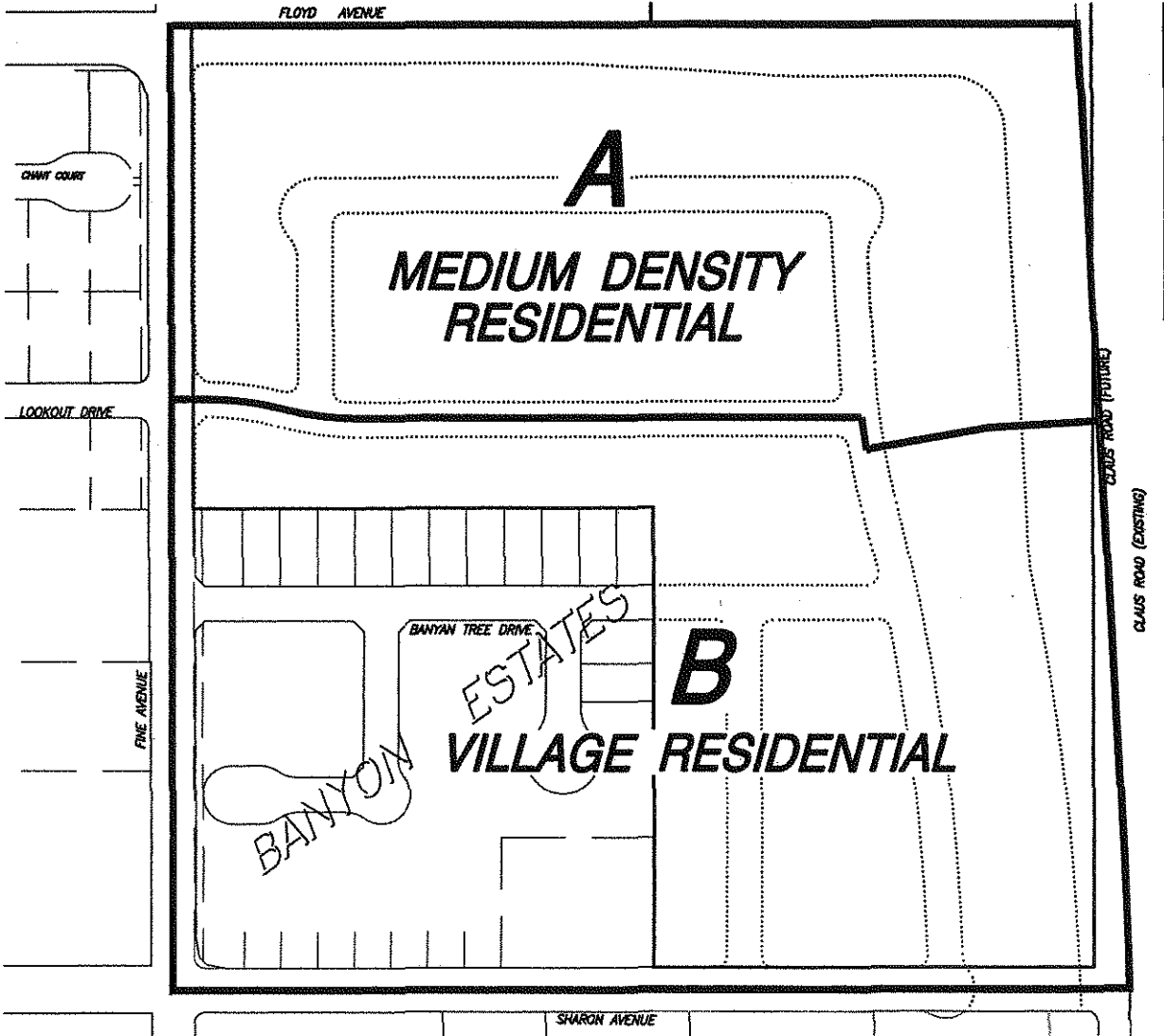
Precise Plan Area No. 24  
(Figure III-25)

- h. Floyd Avenue dedication will be required to the ultimate right-of-way alignment as shown on the Falling Leaf Vesting Tentative Map. In the interim, Floyd Avenue will be constructed to the 104' minor arterial street standard to the existing location of Claus Road. Landscaping shall be installed between the curb and sound wall.
- i. The bike route on Floyd Avenue shall be Class 1 as shown on the Floyd Avenue cross section in the Facilities Master Plan Update, Layouts of Roads & Intersections.
- j. Parcels less than 2750 square feet shall be permitted within Sub-Area "A" by the approved Final Development Plan which includes Architectural Site Plans.
- k. In accordance with Chapter II Section G.13.a.4, medium density single family lots within Sub-Area "A" shall substantially conform to the 300 square feet minimum of "usable yard space". A variance of the minimum 15-foot dimension criteria will be permitted by the approved Final Development Plan which includes Architectural Site Plans.
- l. A community park/open space totaling a minimum of 150 square feet per every medium density single family lot within Sub-Area "A" shall be established.
- m. A minimum of one "guest" on-street parking space or a dedicated off-street parking space shall be provided per single family lot within Sub-Area "A".
- n. Small lot developments in Sub-Area "A" require particular attention to architectural elements and landscaping enrichment in order to ensure the continued livability, appeal, and viability of the neighborhood. Facades that are visible from adjacent streets or common open spaces should display greater visual interest. This can be done by using architectural elements that break up the massing of large buildings, such as windows, porches, bay windows, balconies, and other architectural features. High clerestory-fixed windows shall be provided on the first floor adjacent to the neighbor's yard area. Attention should be provided for landscaping in the front yards and between dwelling units. Other design features may include but not limited to stamped concrete for the alleys. The Final Development Plan will approve the design standards. The design features for the village residential homes in Sub Area "B" shall be compatible with the homes in Sub Area "A" within the Falling Leaf project.
- o. The building setbacks will be approved by the Final Development Plan. The guidelines for the setbacks are a minimum 10 feet next to public streets (including back-up situations), minimum 4 feet on the sides and rear.
- p. Disclosure of Claus Expressway shall be provided to home buyers of lots adjoining the Claus Expressway lineal trail as shown in Chapter II, as approved by the Tentative Subdivision Map and/or the Final Development Plan.

Precise Plan Area No. 24  
(Figure III-25)

4. Principal Underlying Zone(s)

- a. Sub-Area "A" – Medium-Density Residential, yielding an average gross density of 11.4 dwelling units/acre.
- b. Sub-Area "B" – R-1, Low-Density Residential



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SEPT., 2004



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 (209) 521-9988 FAX (209) 521-9045

VILLAGE ONE  
 PRECISE PLAN NO. 24  
 MODESTO, CALIFORNIA

ZONING / SUB-AREA MAP

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 -651**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: SPECIFIC PLAN AMENDMENT NO. 18 TO THE VILLAGE ONE SPECIFIC PLAN TO AMEND THE VILLAGE ONE SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATIONS OF PRECISE PLAN AREAS 23 AND 24 FROM COMMERCIAL, VILLAGE RESIDENTIAL, AND MULTI-FAMILY RESIDENTIAL TO VILLAGE RESIDENTIAL AND MEDIUM-DENSITY RESIDENTIAL AND TO AMEND SOME OF THE VILLAGE ONE DESIGN AND DEVELOPMENT STANDARDS, ADOPTION OF A PRECISE PLAN FOR AREA NO. 23 AND CONCURRENT REZONING FROM SPECIFIC PLAN-HOLDING ZONE TO SPECIFIC PLAN-OVERLAY ZONE, AND AN AMENDMENT TO PRECISE PLAN NO. 24, PROPERTIES LOCATED ON THE WEST SIDE OF CLAUS ROAD NORTH AND SOUTH OF FLOYD AVENUE. (MONTEREY DEVELOPMENT GROUP)**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearinghouse No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been amended and updated by the 1994 Supplemental EIR, adopted by Resolution No. 94-297 on May 24, 1994, and

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted an Addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan Update – May 2003 ("VI FMP"), and

WHEREAS, an application has been filed by Monterey Development Group for an (1) amendment to the Village One Specific Plan to change the land use designations of

Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards, (2) approval of a Precise Plan for Area No. 23 in the Village One Specific Plan Area, and concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, (3) an amendment to the Precise Plan for Area No. 24 in the Village One Specific Plan Area (collectively “Project”), and

WHEREAS, the City's Community Development Department reviewed the proposed Project to determine if said Project might have a significant effect on the environment, and

WHEREAS, City staff has prepared a Written Checklist, Environmental Assessment No. EA/C&ED 2004-58, which concluded that the proposed Project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and the Addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan, and

WHEREAS, the Planning Commission, by Resolution Nos. 2004-66, 2004-67, and 2004-68, adopted on November 15, 2004, and City staff, by a report dated November 15, 2004, from the Community Development Department, recommended to the City Council approval of Amendment No. 18 to the Village One Specific Plan to change the land use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards, to adopt a Precise Plan for Area No. 23 of the Village One Specific Plan and rezone Area

No. 23 to Specific Plan-Overlay Zone, and to amend the Precise Plan for Area No. 24,  
and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 7, 2004, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2004-58, entitled "Amendment of the Village One Specific Plan, Amendment of Precise Plan Area 24, Approval of Precise Plan Area 23, Falling Leaf Tentative Subdivision Map, and any Subsequent Approvals Consistent with Proposed Project", for the proposed Project, and the Council hereby makes the following findings:

1. The proposed Specific Plan Amendment No. 18, Precise Plan No. 23, and amendment to Precise Plan No. 24 is consistent with the Modesto Urban Area General Plan and will not result in any substantive change to the Village One Specific Plan. The proposed Plan is consistent with the land use Plan because it provides an equivalent number of units as the current Plan, addresses the issue of affordability housing, and establishes a unique and varied housing type with a quality living environment.
2. As per Section 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Program EIR, and no new environmental document or findings are required by CEQA.
3. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required, and
4. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects

and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required, and

5. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
  - a. One or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
  - b. Significant effects which were previously examined will be substantially more severe than previously shown; or,
  - c. Previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
  
3. The Initial Study, Environmental Assessment No. EA/C&ED 2004-58, provides the substantial evidence to support findings 3-5, noted above.

A copy of said Environmental Assessment No. EA/C&ED 2004-58, entitled "Amendment of the Village One Specific Plan, Amendment of Precise Plan Area 24, Approval of Precise Plan Area 23, Falling Leaf Tentative Subdivision Map, and any Subsequent Approvals Consistent with Proposed Project", is on file with the City Clerk attached as **Exhibit A**.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**INITIAL STUDY**  
**EA/C&ED NO. 2004-58**

**Determination:  
Project Within the Scope of the  
Village One Specific Plan  
Program Environmental Impact Report for the**

**Amendment of the Village One Specific Plan,  
Amendment of Precise Plan Area 24,  
Approval of Precise Plan Area 23,  
Falling Leaf Tentative Subdivision Map,  
and any Subsequent Approvals Consistent Proposed Project**

*Prepared for:*

City of Modesto  
P.O. Box 642  
Modesto, CA 95353  
Contact: Paul Liu  
(209) 577-5267

*Prepared By:*

City of Modesto  
Community and Economic Development Department  
(209) 577-5267

Date:  
September 30, 2004

# WRITTEN CHECKLIST

EA/C&ED No. 2004-58

## I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines allows the approval of subsequent residential projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

- (1) There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required, and
- (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required, and
- (3) There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
  - b. significant effects which were previously examined will be substantially more severe than previously shown; or,
  - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

- d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit "A." Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

## II. PROJECT INFORMATION

- 1. **Project Title:** Amendment of the Village One Specific Plan, Amendment of Precise Plan Area 24, Approval of Precise Plan Area 23, Falling Leaf Vesting Tentative Subdivision Map, and subsequent approval consistent with the proposed project.
  
- 2. **Lead Agency Name and Address:** City of Modesto
  
- 3. **Contact Person and Phone Number:** Paul Liu, Associate Planner  
City of Modesto Community & Economic  
Development Department (209) 577-5267
  
- 4. **Project Location:** Located on the West Side of Claus Road, North and South of Floyd Avenue- Modesto, California
  
- 5. **Project Sponsor's Name and Address:** Monterey Development Group  
9781 Blue Larkspur Lane, Suite 202  
Monterey, CA 93940
  
- 6. **General Plan Designation:** The General Plan land use designation for the project site is: Village Residential (VR). The proposed project is consistent with this designation.
  
- 7. **Zoning:** Specific Plan Holding Zone (SP-H) for Precise Plan Area 23 and Specific Plan Overlay Zone for Precise Plan Area 24

**8. Description of Project:** The proposed amendment to the Village One Specific Plan and Precise Plan Area 24 and proposed Precise Plan Area 23 is a change in the land use designation from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium Density Residential. There are also proposed amendments to some of the Village One design and development standards. The project site consisting of Precise Plan Area 23 and 24 is approximately 75 acres planned for a total of 502 low and medium density single family homes. The project applicant proposes to subdivide about 50 acres to create 325 residential lots.

**9. Surrounding Land Uses and Setting:** The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded largely by recently developed single family homes to the north (Sundance Lake) and west (Legends Village). To the south is Precise Plan Area 30 designated for Village Residential with existing with existing single family homes on large ranchette and rural parcels that could further develop under. To the east is Precise Plan Area 35, designated for Business Park development on the east side of Claus Road with existing agricultural parcels and a church.

**10. Other Public Agencies whose Approval Is Required:** None.

### III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

- (1) There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required, and
- (2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required, and
- (3) There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
  - b. significant effects which were previously examined will be substantially more severe than previously shown; or,
  - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
  - d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.



September 30, 2004

Project Manager

Date

## IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

### Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that as the Specific Plan area is developed, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area's visual open space. However, the program EIR found the effects of build out of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed residential development would not change the extent or nature of construction in the Specific Plan area, or cause any other changes in the project area. Impacts on scenic vistas would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area, and that development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This

finding would not be affected by the proposed residential project. There would be no impact. No mitigation is required.

- c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed residential development would not change the design or layout of the development proposed within the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
- d. The proposed residential development is consistent with the Village One Specific Plan. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**II. AGRICULTURAL RESOURCES.** In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed residential development would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the Village One Specific Plan area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific plan, and no lands in the project area are now zoned for agricultural use. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR identified a potential land use conflict between new residential uses in the specific plan area and adjacent agricultural uses. Such conflicts can lead to conversion of adjacent farmlands to other uses. The program EIR proposed mitigation measures for this potential impact that would reduce the impact's significance, although the EIR noted that the mitigation measure might not fully mitigate the impact. No additional mitigation measures are available for this impact. This finding would not be affected by the proposed project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**III. AIR QUALITY.** When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Conflict with or obstruct implementation of the applicable air quality plan?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

## Responses to Checklist Questions

- a. / b. The Village One Specific Plan program EIR found that air pollution from project-related construction traffic and fireplaces & wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state ozone, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR (Mitigation Measures 3–5), and the City of Modesto adopted a statement of overriding consideration for each impact. The proposed residential project would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at buildout of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed residential development would not change the amount of traffic associated with buildout of Village One or the types of land uses, so trips

generated by the project would not be affected. There would be no additional impact. No mitigation is required.

- d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure 40). The proposed residential development would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.
- e. The proposed residential development would not create odors. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that the build out could result in the loss of foraging habitat for Swainson's Hawk, a state-listed threatened species, but found that mitigation measures identified in the program EIR would reduce the impact to a less-than-significant level. The project applicant hired a qualified biologist to survey the project site in order to determine whether the project site contains foraging habitat for the Swainson's Hawk. The Biologist determined that there would be no additional impact. No additional mitigation is required. (Swanson's Hawk Foraging Habitat Survey Village One Precise Plan No. 23 and 24, prepared by Rosemary Laird, URS Corporation. April 5, 2004).
- b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the project area, and so found that the project would have a less-than-significant impact. The proposed residential development would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.
- c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers but that, with mitigation, the impact would be less than significant. The proposed residential development would not change the Specific Plan area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.
- d. The Village One Specific Plan program EIR did not identify any migratory corridors in the project area, nor did it find that the project would interfere with the movement of any species. The proposed residential development would not change the Specific Plan area boundaries. There would be no impact. No mitigation is required.
- e. / f. No local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans apply to the Village One Specific Plan area. There would be no impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Responses to Checklist Questions

- a.-d. Impacts on cultural resources resulting from the buildout of Village One (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area. Based on the results of this report, (Cultural and Historic Resources Report, page 3) it was determined that the likelihood that the proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. A Cultural Resources Assessment was prepared to determine if any of these affected structures are considered historic resources. No historic structures are located within the project area boundaries. Therefore, no mitigation measures are necessary.

Since no archaeological, or paleontological resources were found in the previous document to be located in the project area, and since the proposed project would not have a significant impact on historic structures, there would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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**VI. GEOLOGY AND SOILS.** Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Strong seismic groundshaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

b. Result in substantial soil erosion or the loss of topsoil?

c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement

## Responses to Checklist Questions

- a.-d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed residential development would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed residential project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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### VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed residential development would not change land uses that would increase the exposure to hazardous materials contemplated by the Specific Plan. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.
- e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. There would be no additional impact. No mitigation is required.
- g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the

Village One Specific Plan will be implemented. The proposed residential development would not change construction, land use, or other physical attributes of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

- h. The project site is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Approximately 50% of the project area remains undeveloped, with a covering of dry brush and vegetation. The potential for wildland fires is low, and this potential will decrease further as buildout continues. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**VIII. HYDROLOGY AND WATER QUALITY.**

Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

		Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.
- b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. A water supply assessment study was prepared to evaluate the availability of water supplies to accommodate the proposed residential development. Therefore, there would be no additional impact. No mitigation is required.
- c.-e. The Village One Specific Plan program EIR found that development will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any

erosion impacts. The proposed project would not change the amount of impervious surface or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

- f. The Village One Specific Plan program EIR did not find that development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
- g.-i. According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.
- j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**IX. LAND USE AND PLANNING.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Conflict with any applicable habitat conservation plan or natural community conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The proposed project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. The Village One area would continue to be developed as a planned community; therefore, the project would not divide an established community. There would be no impact, and no mitigation is required.

- b. The current land use designations for Precise Plan Areas 23 and 24 consist of 5 acres of Commercial use (General Commercial), 9 acres of Multi-Family use (Medium High Density Residential), and 52 acres of Village Residential (Low Density). There is roughly 9 acres for the Claus Road street dedication and noise setback area. The proposed land use designations are for 36 acres of Village Residential and 30 acres of Medium Density Residential. The current and proposed land use designations would yield essentially the same number of dwelling units of just over 500 units. The current land use designation would net an estimated 508 units and proposed would net 502 units.

The two commercial sites in the current plan are next to a future urban interchange at the corner of Floyd Avenue and Claus Road. The removal of the commercial sites is appropriate because of access limitations and traffic congestion issues at this intersection.

The current plan also includes 9 acres for multi-family residential development intended to provide some affordable housing. The proposed plan addressed the affordability issue with single family detached homes at medium density with over 11 units per acre. Conventional single family development is typically less than 6 units per acre. The proposed medium density single family product will be a varied housing option with better affordability. There are also 44 lots in Precise Plan Area 23 with a second one bedroom and 625 square feet unit that will include affordability covenants. There are a total of 174 units in Precise Plan Area 23.

The project proposes unique housing products with special and unique design features. Alley Homes are proposed in Precise Plan Area 23 where the units front on the public street with the garage rear access to a private alley. The lots range from 2,100 to 3,600 square feet. There would be "cross easements" in the side yards to maximize the "usable yard area" for each lot to a minimum of 300 square feet as required in the Specific Plan. Court Homes are proposed in Precise Plan Area 24 where typically five units will share a common driveway. The lots range from 2,300 to 3,200 square feet and each lot will also have at least 300 square feet of "usable yard area".

The proposed housing products need exception to two design standards of the Village One Specific Plan. The first is an exception to the minimum lot size of 2,750 square feet. Some lots will be as small as 2,100 square feet. The other exception is to the minimum dimension of 15 feet for the "usable yard area". The proposed minimum usable yard area dimension is 9 feet.

Due to the higher density small lot single family housing two new standards are proposed. A common play area must be provided at a ratio of 150 square feet per lot and one on-street guest parking must be provided for each lot. The ratio for common play area is based on lots and not units because the small second unit in Precise Plan Area 23 is not design for families with children. Also special architectural and landscaping features must be incorporated to insure an attractive and quality housing product.

The proposed plan is consistent with the land use plan because it provides an equivalent number of units of the current plan, relatively affordable home ownership, and establishes a unique and varied housing type with a quality living environment.

- c. There are no other applicable conservation plans for the project area. There would be no impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
<b>X. MINERAL RESOURCES.</b> Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Responses to Checklist Questions

- a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project:				
a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

## Responses to Checklist Questions

- a., c. The Village One Specific Plan program EIR found that proposed residential housing in the project area would be exposed to noise levels exceeding general plan thresholds, but mitigation measures were incorporated to reduce the impact to a less-than-significant level. The project would comply with the minimum noise setback of 76 feet from the centerline of Floyd Avenue and 132.5 feet from the centerline of Claus Road north of Floyd Avenue and 137.5 the centerline of Claus Road south of Floyd Avenue. The proposed project would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.
- b. The Village One Specific Plan program EIR found that the buildout of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR found that construction of the proposed project would result in a substantial temporary increase in ambient noise levels for residential housing. However, mitigation measures were incorporated into the program EIR to reduce the impact to a less-than-significant

level. The proposed project would not change construction activities. There would be no additional impact. No mitigation is required.

- e. The Village One Specific Plan program EIR found that the Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
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**XII. POPULATION AND HOUSING.** Would the project:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

## Responses to Checklist Questions

- a.-c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. The proposed amendment to the Specific Plan would result in the same number of units as the current plan. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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**XIII. PUBLIC SERVICES.** Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The Village One Specific Plan program EIR found that the only significant impact that buildout of the Village One Specific Plan area would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed project would not change the provision of public services. There would be no additional impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
<b>XIV. RECREATION.</b> Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a., b. No significant impacts on recreation were identified in the program EIR. The proposed project would not change the provision of parks and recreation facilities. The small lot projects are required to provide private common play area. There would be no additional impact. No mitigation is required.

	Potentially Significant Impact	Less than Significant with Mitigation	Less-than-Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause, either individually or cumulatively, exceedance of a LOS standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

## Responses to Checklist Questions

- a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan area or result in additional trips. There would be no additional impact. No mitigation is required.
- c. The Village One Specific Plan program EIR did not find that the buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.
- d. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed project would not change roadway design or the land use concept of the Specific Plan. There would be no impact. No mitigation is required.

- e. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed project would not change roadway design or land use concept contained within the Specific Plan. There would be no additional impact. No mitigation is required.
- f. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The provision of parking, consistent with zoning requirements for the proposed project, is included in the project design. There would be no impact. No mitigation is required.
- g. The proposed project does not include any changes related to transportation policies, and would have no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation	Less-than- Significant Impact	No Impact
--------------------------------------	--	-------------------------------------	--------------

**XVI. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

## Responses to Checklist Questions

- a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed project would not increase the amount of wastewater that will be generated at buildout of the Specific Plan area. There would be no additional impact. No mitigation is required.
- b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed project. No mitigation is required.
- c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on stormwater drainage facilities. An update to the Storm Drainage Master Plan has been prepared and is under consideration by the City. An addendum to the Village One program EIR for the Storm Drainage Master Plan has also been prepared and is under consideration by the City. A temporary basin will be required in Precise Plan Area 23. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addendum to the Village One Program EIR for the Storm Drainage Master Plan.
- d. The Village One Specific Plan program EIR found that, with mitigation, the effects of buildout of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed project. No mitigation is required.

- f., g. The Village One Specific Plan program EIR found that the area's landfills have sufficient permitted capacity to accommodate the project's solid waste disposal needs. The proposed project would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
--------------------------------------	--	-------------------------------------	--------------

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

**Responses to Checklist Questions**

- a. As described above, the proposed project would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.
- b. As described above, the proposed project would not result in any significant impacts, either on a project or on cumulative level, over and above those

associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

- c. As described above, the proposed project would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

## V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. "All deeds for lots sold in this subdivision shall contain the following statement:

"This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various, chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

2. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

3. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45dBA, prior to final inspection by Building Inspection Division shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

Floyd Avenue, between Roselle Avenue and Claus Road:	76.0 ft.
Claus Road, between Sylvan and Floyd Avenues:	132.5 ft.
Claus Road, between Floyd and Briggsmore Avenues:	137.5 ft.

4. "Construction noise is regulated by the City's Noise Ordinance, Section 4.9 – 103. Construction noise is generally permitted during the hours of 7:00 am to 9:00 pm. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection for conformance with the City's Noise Ordinance."
5. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 2.07(A)(5), Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-652**

**A RESOLUTION AUTHORIZING THE WATER DIVISION OF THE PUBLIC WORKS DEPARTMENT TO PROCEED WITH IMPLEMENTING THE 15-YEAR WATER METER INSTALLATION PLAN FOR ALL CITY-OWNED WATER SYSTEMS.**

WHEREAS, on July 8, 2003, the City Council approved a phased program of meter installation and metered water billing for single-family dwellings in the city's outlying water systems (Resolution No. 2003-387), and

WHEREAS, by Motion on May 11, 2004, the City Council directed the Public Works Department to develop a plan to meter all city-owned systems and to meter and begin billing all churches and schools by January 1, 2005, and

WHEREAS, on September 29, 2004 Governor Schwarzenegger, State of California, signed into law Assembly Bill (AB) 2572, mandating that water utilities install water meters on all service connections constructed before January 1, 1992, and

WHEREAS, most of the City of Modesto was built prior to 1992, and

WHEREAS, previously mandated installation of water meters began with new services constructed after January 1, 1992, and

WHEREAS, AB 2572 further requires metered customers to be billed on the actual volume of water delivered beginning on January 1, 2010, and

WHEREAS, those services installed after January 1, 1992 were not previously required to be read or billed, and

WHEREAS, as of June 2004 the city's water systems contain approximately 74,313 service connections, of which almost 62,000 services do not have active meters, and

WHEREAS, AB 2572 also mandates that service providers have until January 1, 2025, to install said water meters, and

WHEREAS, on October 25, 2004, the Water Division of the City of Modesto Public Works Department submitted a 15-year Water Meter Installation Plan to the City of Modesto Finance Committee, and

WHEREAS, the City of Modesto Finance Committee met on October 25, 2004, and recommended the 15-year Water Meter Installation Plan for approval to the full City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 15-year Water Meter Installation Plan, and authorizes the Water Division of the Public Works Department to proceed with implementation.

BE IT FURTHER RESOLVED that meter reading and usage billing will take effect by geographic area as each area's installations are completed.

BE IT FURTHER RESOLVED that customers will be notified in advance of their first metered billing, with each notice including a guide to water conservation and important contact information.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant, Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-653**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE PURCHASE AND INSTALLATION OF AN AUTOMATED (WATER) METER READ (AMR) SYSTEM.**

WHEREAS, the city-owned water systems currently include 74,313 service connections, of which only 12,405 have active meters being read and billed, and

WHEREAS, the City Council, on May 11, 2004, authorized Public Works to move ahead with developing a metering plan for all city-owned systems, which involves the installation or upgrade of approximately 62,000 meters over a 15-year period, and

WHEREAS, Assembly Bill (AB) 2572 was signed into law on September 29, 2004, mandating the installation of meters on all service connections constructed before January 1, 1992, and

WHEREAS, most of the City of Modesto was built prior to 1992, and previously mandated installation of water meters began with new services constructed after January 1, 1992, and

WHEREAS, AB2572 further requires that metered customers be billed on the actual volume of water delivered, and

WHEREAS, services installed after January 1, 1992 were not previously required to be read or billed, and

WHEREAS, the 15-year metering plan and AB2572 mandates water service providers to substantially increase the number of active city-owned meters, and the implementation of an Automated Meter Read (AMR) System, installed in conjunction with the 15-year Meter Installation Plan, would allow Water Operations to 1) more effectively manage the additional workload, 2) minimize staffing requirements through

more efficient allocation of resources, 3) aid water conservation efforts, and 4) increase revenues and improve efficiency, and

WHEREAS, on October 25, 2004, the Water Division of the City of Modesto Public Works Department submitted a proposal for an Automated Meter Read (AMR) System to the City of Modesto Finance Committee, and the Committee recommended the Automated Meter Read (AMR) System proposal for approval to the full City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the issuance of a Request for Proposals for the purchase of an Automated Meter Read (AMR) System, to be installed in conjunction with the 15-year Meter Installation Plan.

BE IT FURTHER RESOLVED, that meter reading and usage billing will take effect by geographic area as each area's installations are completed.

BE IT FURTHER RESOLVED, that customers will be notified in advance of their first metered billing, with each notice including a guide to water conservation and important contact information.

BE IT FURTHER RESOLVED, that the City of Modesto's Standard Specifications will be amended to include automated water meter and register specifications, and the requirement that automated meter read devices be installed on all new service connections.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of December, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant, Mayor Ridenour

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-654**

**A RESOLUTION APPOINTING CRAIG GILMORE TO THE  
COMMUNITY QUALITIES FORUM**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Councilmember Bob Dunbar has recommended CRAIG GILMORE as his selection to the Community Qualities Forum.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CRAIG GILMORE is hereby appointed to the Community Qualities Forum with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

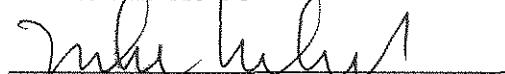
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

ATTEST:   
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-655**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
PETER GARTNER FROM THE COMMUNITY QUALITIES FORUM,  
EFFECTIVE DECEMBER 14, 2004**

WHEREAS, PETER GARTNER was appointed a member of the Community Qualities Forum on May 15, 2001, and

WHEREAS, PETER GARTNER has tendered his resignation from the Community Qualities Forum, effective December 14, 2004, and

WHEREAS, PETER GARTNER has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of PETER GARTNER from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to PETER GARTNER for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 656**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL  
BUDGET**

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in **Schedule A**.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee  
 Telephone No.: 342-2241  
 Department: Public Works  
 Fund Title: 0700- Gas Tax

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Obj-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
0700-800-8000-8003	0700R		(\$346,824)	(\$346,824)	Gas Tax Fund Reserve
0700-160-1630-5900	1630C	\$49,176	(\$49,176)		5900 N-C Other
<u>TO</u>					
0700-160-1630-0235	1630C		\$396,000	\$396,000	Services Professional and Other

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u>					
<u>TO</u>					

**COMMENTS/JUSTIFICATION**

In fiscal year 2003, the Engineering and Transportation Department went to Council and appropriated \$350,000 in ABS savings to fund the LED Replacement Program. These monies were placed in a roll-forward operating organization 0700-160-1630. When fiscal year 2004 began these funds were not rolled forward in this account as was stipulated at the time of appropriation. Although a request was made for this action to occur to date it has not. This action is being taken to restore these funds to the LED Replacement Program account where they are needed in this fiscal year to begin replacement and installation of amber traffic signal indications per state mandate and for which no other funding is available. This program is funded annually at a lesser amount, to accrue funds to allow for replacement of these indicators every four to five years, as necessary. Because installation of the green and red indications was done all at once, it is anticipated that a good number of these will need to be replaced at the same time. The purpose of this account was to provide an ongoing funding source for replacement of the LED indications.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee  
 Telephone No.: 342-2241  
 Department: Public Works

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

FY: 04-05

Fund Title: 6550-Bus Fixed Route - Alternative Transpor Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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DEPARTMENTAL REVENUES

<b>FROM</b>					
6550-165-1676-3531R			\$53,118	\$53,118	Federal TEA - 21 CMAQ (88.53%)
<b>TO</b>					

\$53,118

APPROPRIATIONS

<b>FROM</b>					
<b>TO</b>					
6550-165-1676-0140	1676A	\$3,000	\$17,683	\$20,683	Salary & Wages Part-time
6550-165-1676-0401	1676C		\$275	\$275	Memberships and Dues
6550-165-1676-0205	1676C		\$2,300	\$2,300	Printing and Binding
6550-165-1676-0209	1676C		\$825	\$825	Training Expenses
6550-165-1676-0216	1676C		\$2,200	\$2,200	Equipment Rental
6550-165-1676-0230	1676C		\$1,900	\$1,900	Advertising
6550-165-1676-0235	1676C		\$7,900	\$7,900	Services, Professional & Other
6550-165-1676-0237	1676C	\$1,317	\$20,600	\$21,917	Promotional Expenses
6550-165-1676-0370	1676C		\$2,000	\$2,000	Miscellaneous Supplies

\$55,683 \$60,000

TRANSFERS BETWEEN FUNDS

<b>FROM</b>					
05-0700-700-1676-7650	1676G	\$3,000	\$3,882	\$6,882	Transfer Gas Tx Match (11.47%)
<b>TO</b>					
6550-700-1676-9070		\$3,000	\$3,882	\$6,882	Transfer Gas Tax Match (11.47%)

COMMENTS/JUSTIFICATION

CMAQ Grant was received in the amount of \$106,236 over two (2) years. Grant match funding will be provided by the Gas Tax Fund in the amount of \$13,764. Total funding \$120,000. These funds are to be appropriated into an existing operating organization 6550-165-1676. \$3,000 in Gas Tax funding was appropriated at the beginning of the fiscal year to cover expenses until the grant came in. No monies were budgeted for fiscal year 04-05. This organization should be set up as a multi-year operating budget. This will ensure that the funds from this grant are expended properly and in-keeping with the proposed grant application.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
 Telephone No.: \_\_\_\_\_  
 Department: Finance  
 Fund Title: Wastewater

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_  
 RolloverFY05

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**


<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u> 05-6210-480-5225-0235	5225C	\$379,640	(\$136,422)	\$243,218	Rose Celeste Stantec Contract
<u>TO</u> MY-6210-430-B490-6010	B49D	\$100,000	\$136,422	\$236,422	Rose Celeste Stantec Contract

**COMMENTS/JUSTIFICATION**

This adjustment is to move the Stantec Contract for the Rose/Celest Lift Station from an operating account of CIP account for the Rose/Celeste lift station B490

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		Dec 1, 04
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jana Coons  
 Telephone No.: 2-2281  
 Department: Public Works

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Fleet Fund

FY: 04-05  
 Transfer No. \_\_\_\_\_  
 BT

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u> 05-1380-800-8000-8003	1380R		(\$250,000)	(\$250,000)	CFF Gen Government
<u>TO</u> MY-7200-480-H028-6040	H028		\$250,000	\$250,000	Fleet Maintenance Facility

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u> MY-1380-700-H028-7720	H028		\$250,000	\$250,000	Transfer to Fleet Maintenance Facility
<u>TO</u> MY-7200-700-H028-9138			\$250,000	\$250,000	Transfer to Fleet Mtc Facility

**COMMENTS/JUSTIFICATION**

This adjustment is to move General Government CFF funds to an eligible CIP project H028 Fleet Maintenance Facility. The transfer of these funds appear in the General Government CFF Proforma, but were never entered into the financial system. This budget adjustment would allow the transfer to be entered and carried out.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee  
 Telephone No.: 342-2241  
 Department: Public Works

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: 2300-Capital Grants Fund

FY: 04-05  
 Transfer No. \_\_\_\_\_

*Please notify Sandy McKean of this amendment to the budget.*

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

<u>FROM</u>					
<u>TO</u>					
2300-160-N060-6010	N060	\$ 17,001	\$ 27,389	\$ 44,390	Engineering/Design/Constr
2300-160-N060-6040	N060	\$ 148,000	\$ 71,948	\$ 219,948	Construction
2300-160-N060-6060	N060	\$ 10,000	\$ 7,596	\$ 17,596	Construction Administration
		\$ 106,933			

### APPROPRIATIONS

<u>FROM</u>					
0700-800-8000-8003	0700R		(\$106,933)		
<u>TO</u>					

### TRANSFERS BETWEEN FUNDS

<u>FROM</u>					
0700-700-N060-7230	N060G		\$106,933		
<u>TO</u>					
2300-700-N060-9070			\$106,733		

### COMMENTS/JUSTIFICATION

This budget amendment is being made to increase funding for Scenic and Bodem Right Turn Lane Project. This increase is necessary to cover the costs of additional environmental work that was required prior to going out to bid. This work caused a delay in the project timeline. Due to the amount of time that has passed since the project was originally budgeted, costs for construction have gone up significantly. This amendment is being made to cover the revised estimated costs of construction.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee  
 Telephone No.: 342-2241  
 Department: Public Works

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: 0300-CIP Support Fund

FY: 04-05  
 Transfer No. \_\_\_\_\_

*Please notify Sandy McKean of this amendment to the budget.*

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b> 0300-420-4212-4909		\$1,248,529	(\$127,275)	\$1,121,254	Interfund Labor
<b>TO</b>					
				\$1,121,254	

**APPROPRIATIONS**

<b>FROM</b> 0100-420-4200-0255 0300-800-8000-8003	4200-C 0300-R	\$153,210	(\$153,210) (\$88,873)		Services - City Forces
<b>TO</b> 0300-420-4212-0218 0100-800-8000-8003	4212-C 0100-R		\$19,808 \$95,000	\$19,808 \$95,000	Equipment Pool Rental General Fund Reserves

**TRANSFERS BETWEEN FUNDS**

<b>FROM</b> 0100-700-4200-7030	0100-G		\$58,210	\$58,210	
<b>TO</b> 0300-700-4200-9010			\$58,210	\$58,210	

**COMMENTS/JUSTIFICATION**

This budget amendment is being made to correct various budget object lines in organization 4212 so that they are in line with actual cost estimates to the General Fund and Capital Improvement Program.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee  
 Telephone No.: 342-2241  
 Department: Public Works

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: 6530-Transportation Center

FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u> 6530-800-8000-8003	6530-R		(\$136,750)	(\$136,750)	
<u>TO</u>					
6530-165-1674-5054	1674-C		\$10,000	\$10,000	Install Automatic Doors
6530-165-1674-5058	1674-C		\$1,500	\$1,500	Replace Locks City-Wide Program
6530-165-1674-5059	1674-C		\$25,000	\$25,000	Roof Replacement/Repair
6530-165-1674-5060	1674-C		\$26,000	\$26,000	Bollards MAX START Island
6530-165-1674-5061	1674-C		\$1,000	\$1,000	Walk Behind Vacuum
6530-165-1674-5062	1674-C		\$15,000	\$15,000	Replace Carpet
6530-165-1674-5063	1674-C		\$1,250	\$1,250	Relocate Dispatch Room Partition
6530-165-1674-5064	1674-C		\$1,000	\$1,000	Cabinet Video Surveillance Equipment
6530-165-1674-5065	1674-C		\$20,000	\$20,000	Tape Back-up Video Surveillance System
6530-165-1674-5066	1674-C		\$3,500	\$3,500	Replace West Arcade Doors
6530-165-1674-5067	1674-C		\$25,000	\$25,000	Repaint Interior/Exterior
6530-165-1674-5068	1674-C		\$7,500	\$7,500	Replace Toilets - Men's Room
			\$136,750		

**TRANSFERS BETWEEN FUNDS**

<u>FROM</u>					
<u>TO</u>					

**COMMENTS/JUSTIFICATION**

This budget amendment is being made to re-appropriate funds that were budgeted in a 5000 account for FY 2004, but that did not roll forward into the operating budget for fiscal year 2005. This action is being taken to reinstate these funds for the specific projects for which they were programmed.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee  
 Telephone No.: 342-2241  
 Department: Public Works  
 Fund Title: 6530-Transportation Center

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 FY: 04-05  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
6530-165-1675-8999		\$55,525	(\$55,525)		FB Undesignated Reserves
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
6530-800-8000-8003	6530R		(\$199,025)	(\$199,025)	Local Transportation Fund Reserves
<b>TO</b>					
6530-165-1675-5054	1675-C		\$20,000	\$ 20,000	Install Automatic Doors
6530-165-1675-5055	1675-C		\$5,000	\$ 5,000	Install Ceiling Exhaust Fan
6530-165-1675-5056	1675-C		\$2,000	\$ 2,000	Replace Roof Access Hatch
6530-165-1675-5057	1675-C		\$30,000	\$ 30,000	Repaint Stucco w/Elastim Paint
6530-165-1675-5058	1675-C		\$1,500	\$ 1,500	Replace Locks City-wide Program
6530-165-1675-5059	1675-C		\$85,000	\$ 85,000	Roof Replacement/Repair

\$143,500

**TRANSFERS BETWEEN FUNDS**

<b>FROM</b>					
<b>TO</b>					

**COMMENTS/JUSTIFICATION**

This budget amendment is being made to re-appropriate funds that were budgeted in a 5000 account for FY 2004, but that did not roll forward into the operating budget for fiscal year 2005. This action is being taken to reinstate these funds for the specific projects for which they were programmed.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-657**

**RESOLUTION APPROVING THE EXTENSION OF THE CITY'S SUPPORT  
FOR THE PUBLIC ACCESS CHANNEL OPERATION THROUGH THE END  
OF APRIL 2005.**

WHEREAS, the Local Cable Committee was reestablished on March 3, 2004, and tasked with creating a non-profit corporation to manage the Public Access Channel and given a completion date of December 31, 2004 and

WHEREAS, the non-profit was to be created specifically for the sole purpose of managing the Public Access channel and would assume responsibility for the management of Public Access once formed, and

WHEREAS, the non-profit corporation would also seek private funding sources for the operation of the Public Access channel, and

WHEREAS, the Local Cable Programming Committee has formally requested by letter, a copy of which is attached as **Exhibit "A"**, that the operation of the Public Access be extended to April 30, 2005, and

WHEREAS, staff recommends approval of a four month extension until April 30, 2005, which will provide the best opportunity for the committee to succeed in creating a viable non-profit corporation and to assume the non-profit plan that was developed by Community Media Network, and

WHEREAS, staff presented this item to the Safety and Communities Committee on December 6, 2004, and the Committee recommended taking the item to full Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extension of the City's support for the public access channel operation through the end of April 2005.

BE IT FURTHER RESOLVED that upon approval of the four-month extension, City Staff shall reactivate the non-profit corporation Community Media Network while the Local Cable Committee continues to focus on recruiting members for the non-profit corporation and securing funding sources for operational costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

Michael D. Milich

MICHAEL D. MILICH, CITY ATTORNEY

Dec. 6, 2004

**EXHIBIT A**

Councilmember Will O'Bryant, Chair  
Safety and Communities Committee  
City of Modesto  
Modesto, CA

Dear Councilmember O'Bryant,

On behalf of the Local Cable Programming Committee, I am writing to you and the other members of the Modesto City Council, to request an extension of the current Dec. 31, 2004 deadline facing our committee in its task of forming a non-profit corporation to oversee the operation of the Public Access Channel, currently located on Channel 26 on the Comcast cable television system. It is the understanding of the committee that without this formal request for an extension, the operation of Channel 26 would go "dark" as of Jan. 1, 2005 due to the fact that no funding for its operation has been provided for in the 2005 City of Modesto budget.

At its Dec. 2, 2004 meeting, the Local Cable Programming Committee voted unanimously to authorize me, as its chairman, to write a letter to the City Council requesting that the operation of the Public Access Channel be extended to April 30, 2004. This request is based upon budget information provided by city staff that as of Dec. 31, 2004 there will be approximately \$8,050 remaining in the current operational budget for Channel 26.

Along with this request, the Committee would like to update the Council on its efforts to date.

- A Bylaws Subcommittee has been formed for the purpose of writing bylaws necessary for the creation of a non-profit corporation. That subcommittee has met with the local accounting firm of Clendenin and Bird, which has indicated its willingness to assist in the creation of a non-profit. Discussions with the firm are ongoing and the subcommittee is gathering anticipated costs. Additionally, the subcommittee has secured a pledge of pro bono work from Modesto attorney Bradley Post from the law offices of Borton, Petrini & Conron to assist in the setting up of the non-profit.
- A Board of Directors Recruitment Subcommittee has been formed. At this time, approximately 10 citizens have indicated their willingness to serve on the board of the non-profit corporation. The recruitment effort is being publicized through placement of announcements on the three PEG channels, as well as through a press release to local media outlets. A copy of the press release is provided with this information packet. The subcommittee hopes to recruit approximately 25 citizens to serve as directors.
- In partnership with the Stanislaus County Office of Education, the Committee authorized video production classes for the public at no charge. The classes held

in September were well received with four community groups participating in the sessions. It is this type of collaborative effort that is the model for the success of Public Access.

- The Committee has met with the Executive Director of Sacramento Access, Ron Cooper. He has provided valuable insight into the formation of a non-profit and provided the Committee with various resources in the non-profit sector.

Looking to the future timeline, the Committee anticipates that it will take two to three months to complete the necessary paperwork and legal review to form the non-profit. During this time, the Board of Directors will need to meet and familiarize themselves with the basics of Public Access and formally organize their structure.

As the non-profit becomes operational, one of its major tasks will be structuring a budget. Based on financial data provided by city staff to the Committee on the current operational costs of the Public Access Channel 26, the Committee estimates that Public Access will need an approximate annual operational budget of \$85,333.

The Local Cable Programming Committee stands ready to assist the new non-profit with the task of identifying possible funding streams, including underwriting by local businesses and possible grants from government sources. However, the Committee would like to strongly state its belief that the City of Modesto must continue with the commitment it has made to the public portion of PEG by dedicating a portion of the current 3% franchise fee to Public Access. A review by the Committee of every successful Public Access Channel operation in California shows that a strong and viable Public Access Channel is possible only with the financial support of a portion of the franchise fee. The Committee would be glad to offer documentation of these models to the City. The nearest examples are Access Sacramento and the current franchise agreement currently being negotiated between the City of Fresno and Comcast.

On behalf of the Committee, I would like to thank the Council for its support to date of the efforts to form a non-profit organization to oversee Public Access. This effort faces many formidable challenges, but the Committee is confident that the City will continue to be supportive of the public's right to access cable television just as strongly as it supports the operation of the Education and Government channels.

Sincerely,

Mark Looker, Chairman  
Local Cable Programming Committee

Attached: Board of Directors Recruitment Press Release; Modesto PEG historical timeline; informational piece on non-profit; list of director candidates



City of Modesto, California News Release 04163

**For Immediate Release**

**Contact: Lori Palacio (209) 571-5598**

**No. 04-163**

**December 2, 2004**

**The City of Modesto Local Cable Committee is Seeking Board of Director Members for a Public Access Nonprofit Organization**

The City of Modesto Local Cable Committee is seeking Board of Director members for a Public Access nonprofit organization.

Local Cable Programming Committee has been directed by the Modesto City Council to form an independent non-profit organization to oversee the management of Modesto's public access television channel and is issuing a call for any citizens interested in serving on the board of directors. The Public Access Channel, Channel 26 on the Comcast cable television system, is currently operated by the City of Modesto.

To be eligible, directors must reside in the Comcast cable television system, covering 56,000 cable-viewing homes in the Modesto-Oakdale area. Applicants should be willing to devote at least two hours monthly for board meetings and be willing to speak to various community-based organizations seeking support for public access television in Modesto. It is anticipated the board will meet on a monthly basis during the initial phase.

Directors will be asked to provide guidance to the organization as it develops its operational philosophy, mission, operating rules and procedures. Directors will also be asked to help seek financial assistance from the community to underwrite the non-profit corporation's activities in serving the community's access to noncommercial cable television.

Any citizens interested in serving on the Board of Directors can obtain further information by contacting Local Cable Programming Committee Chairman Mark Looker at (209) 575-2094 or email [mlooker@ainet.com](mailto:mlooker@ainet.com).

#####

City of Modesto, California News Release 04163

To contact the City of Modesto Public Information Office, call Shannan Overstreet at (209) 342-4707. Email: [soverstreet@modestogov.com](mailto:soverstreet@modestogov.com)

1010 10th Street, Modesto, CA 95354 • P.O. Box 642, Modesto, CA 95353 • (209) 577-5200

Technical questions or website bugs may be addressed to [webmaster@modestogov.com](mailto:webmaster@modestogov.com)

[Click here to view the City of Modesto Online Privacy and Use Statement](#)

# Modesto Public-Education-Government (PEG) Historical Background:

- 2000-2002. Community Media Network, a non-profit corporation, is formed by volunteer citizens in Modesto to manage the PEG channels. A board of directors is recruited and a conceptual budget for both capital costs and operating costs is adopted, based upon the expectation that a percentage of the franchise fee would be allocated to operation of PEG. The group becomes inactive after the city of Modesto completes franchise negotiations and no portion of the 3% franchise fee is allocated to PEG.
- July 5, 2001, the City Council approved an agreement allowing the City to establish a PEG facility and assume operation within 12 months of the PEG channels from the then franchise holder AT&T.
- June 11, 2002. The City Council approved the transfer of the franchise agreement from AT&T to Comcast, Resolution No. 2002-299. The franchise agreement provided for a ten-year renewal and set the franchise fee at 3% of gross revenues. At the same time, the Council approved the purchase of equipment "necessary to privatize the Cable Television Master Control Room for the sum of \$100,000" and authorized the City Manager to "negotiate all necessary agreements for the continued operation of Public-Education-Government (PEG) Programming," Resolution No. 2002-300.
- Aug. 15, 2002. AccessModesto becomes operational and controls Comcast Broadband Channels 26 (Public), 7 (Government) and 96 (Education) in the Modesto-Oakdale area.
- July 23, 2002. Council approved a two-year agreement with Final Cut Media, for the management of the daily operations of a Master Control Room located at 1100 H Street for the purposes of airing Public-Education-Government television programming and to provide camera production support for various Education/Government meetings and events. Estimated annual cost is \$160,000, with the City's contribution \$80,000 annually.
- Nov. 26, 2003, the City Council unanimously adopted Resolution No. 2002-593 that approved "the concept of establishing a non-profit organization to perform current and future functions of AccessModesto." The Local Cable Programming Committee is inactive at the time of this resolution and is reactivated with the Council advertising for citizen members. The current Committee is activated and on April 28, 2004 held its first meeting at which I was elected Chairman.
- Spring 2004. City of Modesto adopts budget, reflecting cuts in the budget for Office of Information Technology, which oversees operational budget for PEG.
- June 1, 2004, the franchise agreement is amended by the City of Modesto and Comcast to provide for the construction of the Institutional Network (I-Net) with the franchise agreement renewal being extended for 15 years until July 4, 2016. The action followed a settlement of a lawsuit between the City and Comcast over improper plant electrical grounding. Comcast agreed to complete the I-Net with the operator bearing the city's cost of the project estimated to cost up to \$3

million. In addition, Comcast paid a \$50,000 fine and contributed \$100,000 in youth recreation grants over two years.

- Aug. 10, 2004. City of Modesto renews the agreement with Final Cut Media to manage the daily operations of a PEG Master Control Room. This agreement is for five years with compensation set at \$167,000 annually. The city of Modesto provides half of this cost, with Stanislaus County providing the other half. In Exhibit A, Scope of Services, Section D refers to Production and Broadcasting Services. Those services include providing camera crew to produce, broadcast and/or videotape a variety of meetings, all of which are governmental or educational in nature. Section C references coordinating scheduling and playbacks of tapes produced by non-profit groups or citizens on the Public Channel. There currently are approximately 70 producers providing material for Public Access. Section B references that items submitted for the Video Bulletin Boards on Public Channel must be posted within 10 days.
- Dec. 6, 2004. Local Cable Programming Committee requests extension of Dec. 31, 2004 deadline for formation of non-profit corporation to oversee Public Access Channel.

*Compiled by Mark Looker, Chairman, Local Cable Programming Committee  
Dec. 4, 2004*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-658**

**A RESOLUTION APPROVING A REQUEST FROM THE VALLEY PT  
CRUISER CLUB FOR USE OF GRACEADA PARK AND FOR AMPLIFIED  
MUSIC AT MANCINI BOWL FOR THEIR ANNUAL EVENT ON JUNE 3, 2005.**

WHEREAS, staff from the Parks, Recreation and Neighborhoods Department has received a letter from the Valley PT Cruiser Club, requesting use of Mancini Bowl on Friday, June 3, 2005 for their Musicfest Concert, which is a part of their Cruiserfest 2005 event, and

WHEREAS, Cruiserfest is a public event, which will be held in various venues around the City of Modesto the weekend of June 3-5, 2005, and it is an alcohol-free event, with attendees averaging in age from 45 to 55, and

WHEREAS, specifically, they are requesting to be allowed to have live music, which will require the City Council to approve the use of amplification, and

WHEREAS, the Safety and Communities Committee met on November 1, 2004, and supported the request for amplified music,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a request from the Valley PT Cruiser Club for use of Graceada Park and for amplified music at Mancini Bowl for their annual event on June 3, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-659**

**A RESOLUTION ACCEPTING THE MODESTO CONVENTION & VISITORS BUREAU ANNUAL REPORT AND FINANCIAL REPORT FOR FISCAL YEAR 2003/2004 AND OPERATING BUDGET FOR FISCAL YEAR 2004/2005.**

WHEREAS, the City of Modesto signed an agreement with the Modesto Convention & Visitors Bureau on June 27, 2003, to provide Convention and Visitors Bureau services, and

WHEREAS, the role of the Modesto Convention & Visitors Bureau is to strengthen the local economy by marketing the City of Modesto as a destination for meetings, conventions, sporting events, motor coach tours, film production, and leisure travel, and

WHEREAS, the Modesto Convention & Visitors Bureau is required to submit to the City of Modesto an annual report showing the results of the year's marketing programs and operations, and

WHEREAS, the Modesto Convention & Visitors Bureau is also required to submit to the City of Modesto a year-end financial report, showing income, expenses and fund balances, and

WHEREAS, a final operating budget for the Modesto Convention & Visitors Bureau is included for Fiscal Year 2004/2005, and

WHEREAS, at their November 22, 2004, meeting, the Finance Committee accepted the Modesto Convention & Visitors Bureau annual report for 2003/2004 and the operating budget for 2004/2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Modesto Convention & Visitors Bureau 2003/2004 Annual Report and Financial Report and the Operating Budget for 2004/2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-660**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-05 OPERATING BUDGET TO: (1) ESTIMATE \$40,000 IN ADDITIONAL PARKING REVENUES (\$10,000 TO 6000-350-3583-4103R, AND \$30,000 TO 0100-190-1961-4025R) AND APPROPRIATE \$10,000 TO 6000-350-3583-0140 AND \$30,000 TO 0100-190-1961-0130; (2) TO ESTIMATE \$10,000 IN REVENUE FROM THE DOWNTOWN IMPROVEMENT DISTRICT TO 0100-190-1961-8155, AND TO APPROPRIATE \$10,000 TO 0100-190-1961-0130; AND (3) TO TRANSFER \$40,000 FROM THE GENERAL FUND RESERVE, 0100-800-8000-8003, TO 0100-190-1961-0130.**

WHEREAS, an Entertainment Task Force was formed in early 2004 to address issues important to downtown restaurants, clubs, theaters and other entertainment venues, and

WHEREAS, one of its chief objectives was to partner with the Modesto Police Department to make downtown Modesto a safe and fun place to visit, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, supports the first concept presented by the Entertainment Task Force, which is to make parking garage management changes in the staffing plan, utilization for special events and capturing more evening revenue, resulting in an increase in revenue of \$40,000, \$30,000 of which would be allocated to the Police Department, and

WHEREAS, the Finance Committee at its meeting on November 22, 2004, supported the management changes and also recommended that the City Council accept a voluntary assessment of \$10,000 by the Downtown Improvement District and a \$40,000 transfer from the General Fund Reserve to the Police Department to fully fund the additional police presence needed on weekend and special event evenings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 2004-05 operating budget to estimate \$40,000 in additional parking revenues (\$10,000 to 6000-350-3583-4103R, and \$30,000

to 0100-190-1961-4025R) and appropriate said \$10,000 to 6000-350-3583-0140 and said \$30,000 to 0100-190-1961-0130.

BE IT FURTHER RESOLVED that the Council hereby amends the Fiscal Year 2004-05 operating budget to estimate \$10,000 in revenue from the Downtown Improvement District to 0100-190-1961-8155, and to appropriate said \$10,000 to 0100-190-1961-0130.

BE IT FURTHER RESOLVED that the Council hereby amends the Fiscal Year 2004-05 operating budget to transfer \$40,000 from the General Fund Reserve, 0100-800-8000-8003, to 0100-190-1961-0130.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004- 661**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 1, 2003 AND RESCINDING RESOLUTION NO. 2002-307 AND 2003-81A AND AMENDING EXHIBIT A OF RESOLUTION NO. 2003-331 EFFECTIVE JUNE 30, 2003," TO ESTABLISH A SALARY RANGE FOR DEPUTY DIRECTOR OF PERSONNEL AT RANGE 2452 AND TO DELETE THE CLASSIFICATION OF ASSISTANT PERSONNEL DIRECTOR AT RANGE 2441 FROM THE CLASS RANGE TABLE.**

WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to amend Resolution No. 2003-330,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

**SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330.**

Exhibit "A" entitled "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective July 1,2003" attached to Resolution No. 2003-330, is hereby amended as shown on the amended **Exhibit "A"** entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective December 14, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the Salary Range for Deputy Director of Personnel at Range 2452 and deletes the classification of Assistant Personnel Director from the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 14, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh,  
Mayor Ridenour

NOES: Councilmembers: Keating, O'Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **December 14, 2004**

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RANGE	TITLE
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2419

2420 Executive Secretary – Personnel and City Manager’s Offices

2421

2422

2423

2424

2425 Executive Assistant  
Paralegal

2426

2427

2428 Accountant II- in City Clerk’s office (Unrepresented)

2429

2430

2431 Equal Opportunity Officer

2432

2433

2434

2435

2436

2437 Deputy City Attorney I

2438

2439 Employee Relations Specialist

RANGE	TITLE
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2440

2441 Deputy City Attorney II

2442

2443 Senior Deputy City Attorney I

2444 Risk Manager

2445

2446

2447

2448

2449 Senior Deputy City Attorney II

2450

2451

2452 Deputy Chief Information Officer  
Deputy Director – Cultural and Enterprise Services  
Deputy Director – Engineering & Transportation  
Deputy Director of Finance  
Deputy Director – Operations and Maintenance  
**Deputy Director of Personnel**  
Deputy Director – Recreation and Neighborhoods

2453

2454

2455 Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-662**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Acting City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to establish the following classification:

Deputy Director of Personnel

The job specification for this classification is being established as a result of a reclassification of the Assistant Personnel Director. The specification for the classification of Deputy Director of Personnel, as shown on the attached **Exhibit "A,"** which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classification of Assistant Personnel Director, as it is no longer being used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 14, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Marsh,  
Mayor Ridenour

NOES: Councilmembers: Keating, O'Bryant

ABSENT: Councilmembers: None

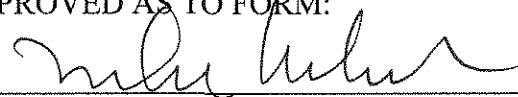
ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

## DEPUTY DIRECTOR OF PERSONNEL

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

### DEFINITION

To assist the Personnel Director in the planning, coordinating and the administration of departmental functions with emphasis on employee relations, labor relations, discipline, budget development and administration, supervision of personnel activities including recruitment, selection, classification and compensation and close coordination with, and technical direction to, risk management operations; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the Personnel Director.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Personnel Director.

Exercises direct supervision over professional, technical and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Assist in developing, planning and implementing department goals and objectives; drafts, recommends and implements policies and procedures.

Direct, oversee and participate in the development of the department performance measures; assign work activities, projects and programs; monitor workflow; review and evaluate work products, methods and procedures.

Assist in managing the labor relations program, assist in planning and implementing negotiation goals, objectives and strategies; serve as chief negotiator in collective bargaining; manage the collective bargaining process, update elected officials and managers on collective bargaining activities; recommend and obtain authorization for negotiating parameters.

Manage, direct and coordinate the disciplinary process in collaboration with the City Attorney's Office; advise managers on disciplinary actions and advise on the discipline investigation process.

Advise departments on leave issues including Family Medical Leave Act (FMLA), Pregnancy Disability Leave (PDL), California Family Rights Act (CFRA), Catastrophic and Military; and leave coordination with Fair Employment and Housing Act (FEHA),

Exhibit "A"

Americans With Disabilities Act (ADA) and Workers' Compensation provisions. Advises on non-safety disability retirements. Ensures fair and even application of federal and state laws and regulations, negotiated agreements and City policies.

Supervise through subordinate supervisor the recruitment, testing and selection, and classification and compensation functions; negotiate impacts of classification process as required.

Supervise, through subordinate supervisor, the general personnel functions; supervise citywide position control and personnel action processing.

Prepare department budget; forecast division funds needed for staffing, equipment, materials, services and supplies; administer the approved division budget.

Select and recommend the appointment and termination of personnel; train and orient staff; assign and review work, evaluate performance and implement progressive discipline as required.

Analyze legislation and regulations to determine effect on personnel programs and services; stay knowledgeable of current legislation and or court decisions affecting public personnel management.

Coordinate the Equal Employment Opportunity (EEO) Program. Receive inquiries from Equal Employment Opportunity Commission (EEOC) and Department of Fair Employment and Housing (DFEH) regarding complaints filed with those agencies; coordinate the response process with the City Attorney and affected department.

Meet with department managers to discuss needs and concerns; coordinate department activities with other departments; represent the department at city committees and meetings; represent the City in hearings, meetings, and negotiations.

Provide highly responsible administrative support to the Personnel Director; assist with special projects as assigned; prepare complex and sensitive reports, correspondence and closed session presentations.

#### QUALIFICATIONS:

##### Knowledge of:

Principles and practices of public personnel administration, including methods and techniques used in labor relations, recruitment and selection, testing, classification and pay, salary and benefits administration, training and equal opportunity.

Principles and current methods of public and business administration.

Knowledge of: (Continued)

Principles and practices of organization, administration and personnel management.

Principles and practices of supervision, training and performance evaluation.

Modern office management practices and procedures including the operation of a variety of office equipment.

Technical report writing procedures.

Applications of statistical methods to management analysis.

Advanced methods of report preparation and presentation.

English usage, spelling, grammar, punctuation at an advanced level.

Administrative research techniques, sources and availability of information.

Applicable Federal, State, and local laws, codes and regulations.

Principles and practices of budget preparation and administration.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Organize, direct and implement a comprehensive personnel program.

Interpret and apply applicable policies, procedures, laws and regulations.

Deal constructively with conflict and develop a consensus.

Prepare complex reports.

Select, supervise, evaluate, train and coach assigned staff.

Prepare and administer a division budget.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Ability to: (Continued)

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Gain cooperation through discussion and persuasion.

Perform advanced professional level labor relations and employee relations work.

Administer contract services.

Skill In:

Use of computers and computer applications and software.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of professional personnel management experience, including three years of administrative and supervisory responsibility. Experience in a public agency is desirable.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration, human resources management or a closely related field.

License or Certificate

Possession of or ability to obtain an appropriate valid California driver's license.

WORKING CONDITIONS:

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting for prolonged periods of time; traveling to and from sites, attending meetings and using a personal computer and other office equipment.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004 - 663**

**A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$35,043 AND APPROVING THE MODESTO JUVENILE IMPACT PROGRAM, A GRANT PROGRAM WITH THE STATE BOARD OF, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS**

WHEREAS, the Modesto Police Department has proposed a project to the State Board of Corrections designated the Modesto Juvenile Impact Program to continue the WAKE-UP (Willing to become Aware and to Gain Knowledge of Experiences that are Useful Program) sessions and the Diversion Clean-Up Work Details, and

WHEREAS, Modesto's allocation under this program is \$35,043 from the State with a local match of \$3,894 for a total program amount of \$38,937 for the 2004/2005 fiscal year, and

WHEREAS, 645 of Modesto's at-risk and diversion referred juveniles will be served by this program, and

WHEREAS, approval of this program will assist in attaining the Health and Safety Plan Strategic Action to "Develop and implement Youth Crime Prevention Programs,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant in the amount of \$35,043 and approves the Modesto Juvenile Impact Program with the State Board of Corrections.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to execute the necessary grant documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City of Modesto agrees to provide the matching funds in the amount of \$3,894 for the program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2004-664**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004/05 BUDGET TO  
RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR THE 2004  
“MODESTO JUVENILE IMPACT PROGRAM”**

WHEREAS, the Modesto Police Department proposed a project to the State Bureau of Corrections designated the “Modesto Juvenile Impact Program” to continue the WAKE-UP (Willing to become Aware and to Gain Knowledge of Experiences that are Useful Program) sessions and the Diversion Clean-Up Work Details, and

WHEREAS, Modesto’s allocation under the Modesto Juvenile Impact Program was \$35,043 from the State with a match of \$3,894 for a total program amount of \$38,937 for the 2004/2005 fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/05 Annual Budget is hereby amended as follows:

To:			
Revenue:	\$35,043	0410-190-2986-3507	2004 Juvenile Impact Grant
	\$ 3,894	0100-800-8000	General Fund Reserves
To:			
Appropriations:	\$38,937	0410-190-2986 Various accounts	2004 Juvenile Impact Grant

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-665**

**A RESOLUTION APPROVING THE REMOVAL OF THE PROTECTED/PERMISSIVE LEFT-TURN OPERATION AT THE FOLLOWING SIGNALIZED INTERSECTIONS: OAKDALE ROAD AND LANCEY DRIVE (NORTH/SOUTH DIRECTION)/COFFEE ROAD AND FLOYD AVENUE (NORTH/SOUTH DIRECTION)/PRESCOTT ROAD AND RUMBLE ROAD (NORTH/SOUTH DIRECTION)/ORANGEBURG AVENUE AND COFFEE ROAD (NORTH/SOUTH DIRECTION). FUNDS ARE BUDGETED IN ACCOUNT NO. 0700-160-1612-0365-02, "STREET LIGHT & TRAFFIC MAINTENANCE"**

WHEREAS, our most recent protected/permissive (P/P) signal evaluation tabulates intersections with P/P phasing with corresponding speeds and total vs. left-turn related accidents, and

WHEREAS, the data trends, rather than single data point, are used in our evaluation and appropriate phasing decisions, and

WHEREAS, after reviewing the data presented in the attached evaluation, staff is suggesting replacing the P/P phase operation with fully protected left-turn phase operation at the following intersections:

- Oakdale Road and Lancey Drive (north/south direction)
- Coffee Road and Floyd Avenue (north/south direction)
- Prescott Road and Rumble Road (north/south direction)
- Orangeburg Avenue and Coffee Road (north/south direction), and

WHEREAS, in response to the increasing traffic collision trend, staff recommends replacing the P/P phasing at the above-mentioned intersections with protected left-turn only phasing, and

WHEREAS, at its meeting on December 6, 2004, the Safety and Communities Committee recommended approval of this item,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the removal of the P/P left-turn operation at the following signalized intersections:

- Oakdale Road and Lancey Drive (north/south direction)
- Coffee Road and Floyd Avenue (north/south direction)
- Prescott Road and Rumble Road (north/south direction)
- Orangeburg Avenue and Coffee Road (north/south direction).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-666**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE A  
PAYMENT TO SBC IN THE AMOUNT OF \$75,783.72 IN DAMAGES  
RESULTING FROM CITY WATER CREWS INADVERTENTLY STRIKING  
UNDERGROUND FACILITIES.**

WHEREAS, City Water crews were installing service connections to new services located on the north side of Scenic Avenue using standard operating procedures, and

WHEREAS, City Water crews used a “bullet” device to dig the trench during this installation and inadvertently damaged underground facilities belonging to SBC, and

WHEREAS, it took SBC several days to repair the damages, totaling \$75,783.72 in materials, labor and loss of use, and

WHEREAS, the City was at fault in this accident and the resulting damages should be paid to SBC, and

WHEREAS, costs associated with this claim will be paid from the City’s General Liability Fund, and

WHEREAS, payment will be made in exchange for a Release of Claim form from SBC,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves payment to SBC in the amount of \$75,783.72 for damages to their underground facilities.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to issue payment to SBC.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahb  
JEAN ZAHB, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-667**

**RESOLUTION ACCEPTING THE WORK BY TIM PAXIN'S PACIFIC EXCAVATION, INC. FOR THE "CONSTRUCTION OF INTERSECTION CONTROL AT THE FOLLOWING INTERSECTIONS: OAKDALE ROAD AT MANOR OAK DRIVE AND COFFEE ROAD AT SYLVAN MEADOWS DRIVE" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING \$276,869 PER THE CONTRACT. TOTAL PROJECT COST IS \$326,803.**

WHEREAS, a report has been filed by the Public Works Director that the project titled "Construction of Intersection Control at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" has been completed by Tim Paxin's Pacific Excavation, Inc. in accordance with the contract agreement dated March 23, 2004.

NOW, THEREFORE, BE IT RESOLVED that the "Construction of Intersection Control at the Following Intersections: Oakdale Road at Manor Oak Drive and Coffee Road at Sylvan Meadows Drive" project be accepted from said contractor, Tim Paxin's Pacific Excavation, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$276,869 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-668**

**RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC. FOR THE  
“2002-2003 PAVEMENT MAINTENANCE PROGRAM - SCENIC DRIVE  
OVERLAY – ROSE AVENUE TO SONOMA AVENUE” PROJECT AS  
COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF  
COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE  
TOTALING \$683,626.35 PER THE CONTRACT. TOTAL PROJECT COST IS  
\$872,240.27.**

WHEREAS, a report has been filed by the Public Works Director that the project titled “2002-2003 Pavement Maintenance Program – Scenic Drive Overlay – Rose Avenue to Sonoma Avenue” has been completed by George Reed, Inc. in accordance with the contract agreement dated February 27, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “2002-2003 Pavement Maintenance Program – Scenic Drive Overlay – Rose Avenue to Sonoma Avenue” project be accepted from said contractor, George Reed, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling \$683,626.35 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-669**

**A RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY MANAGER OR ASSISTANT TO THE CITY MANAGER TO SUBMIT APPLICATIONS AND GRANT RELATED DOCUMENTS FOR ALL GRANTS AVAILABLE FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, TO ACCEPT GRANT AWARDS AND TO AMEND THE ANNUAL BUDGET; AND RECINDING RESOLUTION NO. 2002-58.**

WHEREAS, the State of California collects fees which provide funds to cities and counties for establishing and maintaining solid waste programs throughout the state, and

WHEREAS, the California Integrated Waste Management Board has the responsibility for the administration of the solid waste programs within the state and setting up necessary procedures governing application by cities and counties under these programs, and

WHEREAS, to simplify the application process, the California Integrated Waste Management Board allows jurisdictions to adopt a single resolution authorizing a designated official to execute and submit applications and related documents for such funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, Deputy City Manager or Assistant To The City Manager are hereby authorized to submit applications and all grant related documents, accept grant awards and to amend the annual budget for all solid waste related grants available through the State of California.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall remain in full force and effect until rescinded by the City Council.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2002-58 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zair  
JEAN ZAIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-669A**

**A RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY MANAGER OR ASSISTANT TO THE CITY MANAGER TO SUBMIT APPLICATIONS AND GRANT RELATED DOCUMENTS FOR ALL GRANTS AVAILABLE FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION, TO ACCEPT GRANT AWARDS AND TO AMEND THE ANNUAL BUDGET; AND RECINDING RESOLUTION NO. 2002-59.**

WHEREAS, the State of California collects fees which provide funds to cities and counties for establishing and maintaining solid waste programs throughout the state, and

WHEREAS, the California Department of Conservation has the responsibility for the administration of beverage container recycling programs within the state and setting up necessary procedures governing application by cities and counties under these programs, and

WHEREAS, to simplify the application process, California Department of Conservation allows jurisdictions to adopt a single resolution authorizing a designated official to execute and submit applications and related documents for such funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, Deputy City Manager or Assistant To The City Manager are hereby authorized to submit applications and all grant related documents, accept grant awards and to amend the annual budget for all beverage container recycling grants available through the State of California.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall remain in full force and effect until rescinded by the City Council.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2002-59 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-670**

**A RESOLUTION REJECTING ALL BIDS FOR THE PROJECT TITLED  
"RUMBLE ROAD SIDEWALKS" AND AUTHORIZING STAFF TO RE-  
ADVERTISE THE PROJECT AT A FUTURE DATE**

WHEREAS, the bids received for Rumble Road Sidewalks were opened at 11:00 a.m. on August 3, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, due to unforeseen delays in the acquisition of adjoining property, the Contractor can no longer honor his bid price, and

WHEREAS, during the bid evaluation process staff determined that the bids unreasonably exceeded the Engineer's estimate. Therefore, staff recommends the bids be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for "Rumble Road Sidewalks," opened in the office of the City Clerk on August 3, 2004, are hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-671**

**A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO WEST YOST AND ASSOCIATES FOR \$710,200 TO COMPLETE PRELIMINARY ENGINEERING SERVICES FOR THE CITY WATER SYSTEM TIER 1 DOWNSTREAM IMPROVEMENTS TO ACCOMMODATE THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto and the Modesto Irrigation District (MID) have begun work planning to expand the Modesto Regional Water Treatment Plant (MRWTP) from its existing capacity of 30 million gallons per day (mgd) to 60 mgd, and

WHEREAS, downstream improvements consisting of water storage tanks, booster pumping stations, pressure and/or flow control valves, and pipelines are needed to fully integrate the Phase Two expansion of the MRWTP with the City's water system, and

WHEREAS, an initial evaluation of the water distribution system, using the City's recently developed computer model, has confirmed the need for these improvements and has provided a general project description of the improvements, and

WHEREAS, the design for the critical downstream improvements needs to be completed by the fall of 2005 to remain on schedule with the Phase Two project's scheduled operation in the year 2007, and

WHEREAS, the Economic Development Committee at its meeting on March 8, 2004, concurred with staff's recommendation of requiring critical facilities consisting of the pressure and/or flow regulating valves, the north tank and pump station, and water transmission pipelines to be moved into design, and

WHEREAS, on March 8, 2004, the Economic Development Committee directed staff to proceed with the negotiations with West Yost and Associates for the preparation of the design of the critical downstream facilities, and

WHEREAS, on April 6, 2004, the Council of the City of Modesto adopted Resolution 2004-176 approving the agreement with West Yost and Associates, for preparation of the Preliminary Design Report of the Downstream Improvements for the City of Modesto's water system in an amount not to exceed \$449,000, and

WHEREAS, City staff determined that Design Services for the City Water System Tier 1 Downstream Improvements to accommodate the MRWTP Phase Two Expansion would be prepared in two stages namely Preliminary Engineering and Final Design, and

WHEREAS, the Public Works Director has recommended accepting the proposed contract with West Yost and Associates to complete Preliminary Engineering Services for the City Water System Tier 1 Downstream Improvements to accommodate the MRWTP Phase Two Expansion in an amount not to exceed \$710,200,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with West Yost and Associates to complete Preliminary Engineering Services for the City Water System Tier 1 Downstream Improvements to accommodate the MRWTP Phase Two Expansion in an amount not to exceed \$710,200.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-672**

**A RESOLUTION ACCEPTING THE BID AND APPROVING AN \$86,947.60 CONTRACT WITH RICHARD TOWNSEND CONSTRUCTION, INC., DBA RTC, FOR THE PROJECT TITLED, "MPD TRAINING FACILITY CONCRETE FLATWORK," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS \$104,337.12, WHICH INCLUDES CONSTRUCTION CONTINGENCY AND ADMINISTRATION COSTS**

WHEREAS, the bids received for "Modesto Police Department Training Facility Concrete Flatwork" were opened at 11:00 a.m. on November 30, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$86,947.60 received from Richard Townsend Construction, Inc., dba RTC, be accepted as the lowest responsible bid and the contract be awarded to Richard Townsend Construction, Inc., dba RTC,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Richard Townsend Construction, Inc., dba RTC, in the amount of \$86,947.60, and hereby awards Richard Townsend Construction, Inc., dba RTC, the contract titled "Modesto Police Department Training Facility Concrete Flatwork".

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-673**

**A RESOLUTION ACCEPTING THE BID AND APPROVING A \$195,900 CONTRACT WITH JVD, INC., FOR THE PROJECT TITLED, "ROTARY CENTENNIAL JUNCTION INFRASTRUCTURE," AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS \$242,916, WHICH INCLUDES CONSTRUCTION CONTINGENCY, CONSTRUCTION ADMINISTRATION AND ENGINEERING DESIGN**

WHEREAS, the bids received for "Rotary Centennial Junction Infrastructure Project" were opened at 11:00 a.m. on November 30, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of \$195,900 received from JVD, Inc., be accepted as the lowest responsible bid and the contract be awarded to JVD, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of JVD, Inc., in the amount of \$195,900, and hereby awards JVD, Inc., the contract titled "Rotary Centennial Junction Infrastructure Project."

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-674**

**A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS IN THE MESILLA VALLEY ESTATES SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH MESILLA VALLEY DEVELOPMENT, LLC**

WHEREAS, MESILLA VALLEY DEVELOPMENT, LLC, us possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.81 acres, known as the MESILLA VALLEY ESTATES SUBDIVISION (“SUBDIVISION”), and

WHEREAS, an application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on August 8, 2003, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 22nd day of September, 2003, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Public Works Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Public Works Director, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept the public improvements in said subdivision as complete and authorize the City Clerk to file a Notice of Completion and release the bonds upon the expiration of the statutory periods,

WHEREAS, the subdivider has posted a warranty security in an amount equal to the estimated cost of the public improvements, as determined by the City Engineer, to guarantee and warranty the public improvements for a period of one year after acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The final map is hereby approved.
2. The dedications for streets and easements as shown thereon within the boundaries of said tract are hereby accepted on behalf of the public for public use.
3. The improvements completed in Mesilla Valley Estates Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
4. The City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

5. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Municipal Code.
6. The City Clerk is further authorized to release the warranty security to guarantee improvements in the amount of \$7,400.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-675**

**A RESOLUTION ADOPTING LIMITED REVISIONS TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO, 2001 EDITION**

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of “Standard Specifications of the City of Modesto”, said Standard Specifications to be prepared by the Public Works Department and recommended by the Planning Commission, and

WHEREAS, the Public Works Department, Development Services Division, has recommended revisions, which include the addition of several Standard Details, and

WHEREAS, the proposed revisions are to accomplish adding new text and drawings, and

WHEREAS, the proposed revisions were considered by the Building Industry Association and the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to consider the proposed revisions were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, the Planning Commission, by Resolution No. 2004--??, adopted on December 6, 2004, recommended to City Council the adoption of limited revisions to the Standard Specifications of the City of Modesto as incorporated in the document titled “Standard Specifications of the City of Modesto, 2001 Edition”, copies of which are on file in the offices of the Public Works Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed revisions to the Standard Specifications of the City of Modesto, 2001 Edition, as prepared by the Public Works Director and recommended by

the Planning Commission, were considered by the City Council at its regular meeting on December 14, 2004, at which time the Council determined that the proposed revisions to the Standard Specifications should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain revisions of the "Standard Specifications of the City of Modesto, 2001 Edition", copies of which are on file in the offices of the Public Works Director and the Secretary of the Planning Commission, are hereby adopted as revisions to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By   
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-676**

**A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE AGREEMENT  
WITH MODESTO IRRIGATION DISTRICT RELATING TO THE ADVANCE  
FUNDING OF COSTS RELATED TO THE PHASE 2 EXPANSION OF THE  
MODESTO REGIONAL WATER TREATMENT PLANT, AND AUTHORIZING  
THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the Council of the City of Modesto approved Resolution No. 92-183 on April 21, 1992, authorizing the original Treatment and Delivery Agreement with the Modesto Irrigation District (MID) and the former Del Este Water Company, and

WHEREAS, the original Treatment and Delivery Agreement contemplated the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase 2 Expansion, and

WHEREAS, City and MID wish to pursue the design, construction, and operation of the MRWTP Phase 2 Expansion, and

WHEREAS, City and MID agree that the preliminary costs should be included in the project costs to be financed at a later date, and

WHEREAS, MID agrees to initially fund certain costs related to preliminary work for the project, and

WHEREAS, City agrees that MID should be reimbursed for certain costs related to preliminary work for the project, and

WHEREAS, the Economic Development Committee recommended approval of the Agreement at its August 11, 2003 meeting, and

WHEREAS, the Council of the City of Modesto adopted Resolution No. 2003-538 approving the advance funding agreement with the Modesto Irrigation District for the reimbursement of costs related to the Phase 2 Expansion of the Modesto Regional Water Treatment Plant authorizing the City Manager to execute said Agreement, and

WHEREAS, City and MID agree that the preliminary costs shall be shared and reimbursed as summarized in amended **Attachment "A"** attached hereto and incorporated herein by this reference, and

WHEREAS, the Financial Policy Committee recommended approval of the First Amendment to Agreement at its December 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to the Agreement Relating to the Advance Funding of Costs Related to the Phase 2 Expansion of the Modesto Regional Water Treatment Plant.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Acting City Manager or his designee, to execute said Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By M. D. Milich  
MICHAEL D. MILICH, City Attorney

**AMENDMENT NO. 1  
TO  
AGREEMENT RELATING TO THE ADVANCE FUNDING AND  
REIMBURSEMENT OF COSTS RELATED TO THE EXPANSION OF THE  
MODESTO REGIONAL WATER TREATMENT PLANT**

This Amendment No. 1 to Agreement Relating to the Advance Funding and Reimbursement of Costs Related to the Expansion of the Modesto Regional Water Treatment Plant is made and entered into this \_\_\_ day of December, 2004, by and between Modesto Irrigation District, a California irrigation district (hereinafter, the "District"), and the City of Modesto, a California municipal corporation (hereinafter, the "City"), and is made with regard to the following facts and circumstances, among others:

A. The parties entered into that certain Agreement Relating to the Advance Funding and Reimbursement of Costs Related to the Expansion of the Modesto Regional Water Treatment Plant on October 7, 2003 (hereinafter, the "Agreement"), which provided, in general terms, for the advancement by the District of funds for certain consulting expenses, and for the reimbursement by the City of such expenses.

B. The parties desire to retain consultants to perform services additional to those contemplated in the Agreement, and to incur costs additional to those contemplated in the Agreement.

Now, therefore, the parties agree as follows:

1. The Agreement shall be amended by replacing Exhibit "A" in the Agreement with Exhibit "A" as attached hereto.

2. Except as specifically set forth in Paragraph 1, above, the Agreement shall remain in full force and effect, without further modification or amendment.

CITY OF MODESTO

MODESTO IRRIGATION DISTRICT

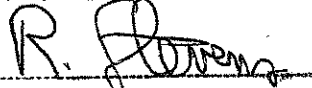
By: \_\_\_\_\_

By: \_\_\_\_\_

Title \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM



Roland R. Stevens  
Assistant City Attorney

Exhibit "A"  
**ESTIMATED PROJECT COSTS  
 ADVANCED BY MID**

ITEM	ESTIMATED TOTAL COST	AMOUNT PAID OR TO BE PAID DIRECTLY BY THE CITY	AMOUNT ADVANCED BY MID
Public Outreach Program	\$30,000	\$15,000	\$15,000
MID Labor Cost & Expenses	TBD*	-	TBD*
Initial Environmental Review (Insite Environmental)	\$12,000	-	\$12,000
Environmental Documentation (Jones & Stokes)	\$220,000	-	\$220,000
Preliminary Study (Black & Veatch)	\$120,000	\$60,000	\$60,000
Preliminary Engineering Design (Black & Veatch)	\$1,047,680	-	\$750,000
<b>Amount to be Reimbursed by the City of Modesto **</b>			<b>\$1,057,000 plus TBD Costs</b>

\* TBD - To be determined at a future date

\*\* Amounts advanced by MID shall be reimbursed by the City of Modesto at a future date through the Project's financing.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-677**

**A RESOLUTION AUTHORIZING MODESTO IRRIGATION DISTRICT TO EXECUTE AN AMENDMENT TO AGREEMENT WITH JONES AND STOKES IN AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$50,000, FOR A TOTAL AGREEMENT AMOUNT OF \$220,000, TO PROVIDE CEQA SERVICES RELATED TO THE PHASE 2 EXPANSION OF THE MODESTO REGIONAL WATER TREATMENT PLANT**

WHEREAS, the Council of the City of Modesto approved Resolution No. 92-183 on April 21, 1992, authorizing the original Treatment and Delivery Agreement with the Modesto Irrigation District (MID) and the former Del Este Water Company, and

WHEREAS, the original Treatment and Delivery Agreement contemplated the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase 2 Expansion, and

WHEREAS, City and MID wish to pursue the design, construction, and operation of the MRWTP Phase 2 Expansion, and

WHEREAS, by Resolution No. 2004-676, adopted on December 14, 2004, the Council has authorized the Acting City Manager, or his designee, to execute an amendment to the agreement with MID relating to the advance funding of costs related to the MRWTP Phase 2 Expansion, and

WHEREAS, the aforementioned agreement requires MID to obtain City authorization to proceed beyond certain milestones in MRWTP Phase 2 Expansion, and

WHEREAS, MID issued a request for proposals for CEQA services for the MRWTP Phase 2 Expansion, and

WHEREAS, On May 21, 2003, five proposals were received from environmental consulting firms in response to a Request for Proposals solicited by MID staff, and

WHEREAS, a task force was formed consisting of both City and MID staff, which reviewed each of the proposals for compliance with the project's scope of work and all five of the responding firms were interviewed on June 6, 2003, by the task force, and

WHEREAS, the task force selected Jones and Stokes as the firm most qualified to provide CEQA services for the MRWTP Phase 2 Expansion, and

WHEREAS, the Council of the City of Modesto adopted Resolution 2003-539, authorizing Modesto Irrigation District to execute an agreement with Jones and Stokes to provide CEQA services, not to exceed \$170,000, and

WHEREAS, MID and City staff agree that additional services are needed and justified for the project in an additional amount not to exceed \$50,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Modesto Irrigation District to execute an amendment to the agreement with Jones and Stokes in an amount not to exceed an additional \$50,000, for a total of \$220,000, to provide CEQA services related to the Phase 2 Expansion of the Modesto Regional Water Treatment Plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

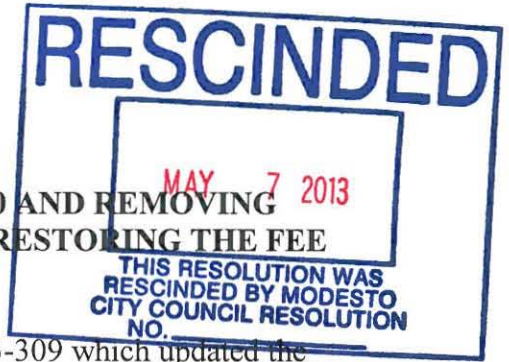
ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-678



**A RESOLUTION RESCINDING RESOLUTION 2003-310 AND REMOVING THE CAPPED RATE FOR CAPITAL FACILITY FEES RESTORING THE FEE TO ITS ADOPTED RATE.**

WHEREAS, the City Council adopted Resolution 2003-309 which updated the City's Capital Facility Fee Program, and

WHEREAS, subsequently, the Council also adopted Resolution 2003-310 capping the Capital Facility Fees and establishing a tracking program;

WHEREAS, prior to adoption of Resolution 2003-310, a cost-burden analysis revealed that the increase in fees could not be absorbed by the market, and

WHEREAS, the market has changed considerably and land values have risen significantly, and

WHEREAS, the tracking program has revealed approximately \$344,818 is needed to backfill; and

WHEREAS, the backfill will continue to be monitored for grant and other funding opportunities, and

WHEREAS, the CFF program is an ongoing funding mechanism for capital infrastructure of the City; and

WHEREAS, to ensure that the City collects enough funds for build out, it is necessary to remove the cap and restore the fees to their full amount.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution 2003-310 so that the "Cap" on certain Capital Facility Fee categories established by said resolution is hereby removed effective January 1, 2005.

BE IT FURTHER RESOLVED that the City will continue to monitor the existing backfill obligation and report annually to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Dunbar,

who moved its adoption, which motion being duly seconded by Councilmember Keating,  
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-679**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY  
OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT  
NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED  
ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE  
DISTRICT (ANNEXATION NO. 5)**

WHEREAS, this Council did, on October 26, 2004, adopt its Resolution No. 2004-545 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon;

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk;

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 5 of Community Facilities District No. 2004-1 ("Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on October 28, 2004, in the Office of the County Recorder of the County of Stanislaus, in Book 4 of Maps of Assessment and Community Facilities Districts, at page 2;

WHEREAS, at the time and date set for the hearing (December 7, 2004 and duly continued to December 14, 2004) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed

annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex;

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon;

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex;

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory;

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be

applicable to such election. The ballot measure shall be substantially in the form attached hereto as **Exhibit A**.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 14<sup>th</sup> day of December 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter, order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

SAMPLE

OFFICIAL BALLOT

BALLOT NO. \_\_\_\_

CITY OF MODESTO  
COMMUNITIES FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)

ANNEXATION NO. 5

SPECIAL TAX ELECTION

December 14, 2004

\_\_\_\_% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT  
NUMBER OF VOTES ENTITLED TO BE CAST \_\_\_\_  
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-545, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 5)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on October 26, 2004, for the purposes set forth in the Resolution of Formation?

YES

NO

BALLOT NO. \_\_\_\_

\_\_\_\_% of land in territory proposed to be annexed to District  
THIS BALLOT HAS A VALUE OF \_\_\_\_ VOTES

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-680**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE DECEMBER 14, 2004, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), AND ORDERING ANNEXATION OF THE TERRITORY TO THE DISTRICT (ANNEXATION NO. 5)**

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2004-545, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 5)" adopted on October 26, 2004, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act");

WHEREAS, the owner of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2004-679, adopted on December 14, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for December 14, 2004, relative to the foregoing;

WHEREAS, on December 14, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2004-545 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of

Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

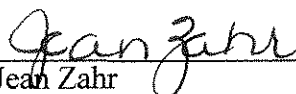
## CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-679, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 5) adopted on December 14, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on December 14, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2004-545, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 5)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on October 26, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST: YES 6 NO 0

  
\_\_\_\_\_  
Jean Zahr  
City Clerk of the City of Modesto

Dated: Dec 12, 2004

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-681**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MODESTO CLARIFYING RATE AND METHOD OF APPORTIONMENT OF  
SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VILLAGE ONE #2)**

WHEREAS, this Council has, pursuant to its Resolution No. 2004-127, “A Resolution of the City Council of the City of Modesto of Intention to Establish City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Authorize the Levy of Special Taxes Therein,” adopted on March 2, 2004, conducted proceedings for the formation of the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) pursuant to Chapter 3.5 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”); and

WHEREAS, following the approval of the special taxes by the qualified electors in the District, this Council, by its Ordinance No. 3345-C.S., “An Ordinance of the City Council of the City of Modesto Authorizing the Levy of Special Taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2),” adopted on April 27, 2004, authorized the levy of the special taxes; the special taxes are set forth in Exhibit A to Ordinance No. 3345-C.S. (the “Rate and Method”); and

WHEREAS, the obligation to pay the special taxes has, pursuant to the Act, become a lien upon all nonexempt real property within the District as a result of the recordation, in the office of the Stanislaus County Recorder, of a Notice of Special Tax Lien to which the Rate and Method is also attached as Exhibit A; and

WHEREAS, Section C.1 of the Rate and Method provides that, until an Original Parcel is subdivided, the Maximum Special Taxes as set forth therein will be the Maximum Special Taxes for the Parcel and that, in the event a rezoning of the Parcel results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel (capitalized terms used herein being defined in Exhibit A); “Expected Land Uses,” as defined in Exhibit A, means the “Net Taxable Acreage of each Land Use Class expected on an Original Parcel in CFD No. 2004-1 based on reference to the Expected Land Use Map,” also therein defined, such map (entitled “Village One Zoning of Unvested Properties,” dated February 21, 2003) having been filed with the District Administrator and the City Clerk as a part of the District proceedings; and

WHEREAS, a question has arisen as to whether an exception should be made from the levy of the Maximum Special Taxes on an Original Parcel based on the Expected Land Use Map in the event a rezoning of the Parcel, that results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, occurs prior to the Parcel becoming a part of the District; and

WHEREAS, Section I of the Rate and Method allows for interpretations thereof to be made by resolution of this Council for the purpose of clarifying any vagueness or ambiguity therein; and

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Maximum Special Taxes, as set forth in the Rate and Method, were based on the estimate of the costs of the facilities and services authorized to be financed by the Maximum Special Taxes; and those costs were developed based upon the Expected Land Uses set forth on the Expected Land Use Map. The facilities are those which this Council determined are necessary to meet increased demands placed upon the City and other local agencies as a result of development occurring within the boundaries of the District; the services are those which this Council determined are in addition to those services provided in the District before it was created and that are necessary to meet the demands placed upon the City and other local agencies as a result of such development.

SECTION 3. To allow for a reduction in the Maximum Special Taxes on an Original Parcel as a result of a rezoning, regardless whether the rezoning occurs before or after the Parcel becomes a part of the District, could result in a reduction in the amount of revenue raised therefrom, and a shortfall in the generation of monies needed to pay for the facilities and services.

SECTION 4. It is in the public interest, and in the best interests of the landowners and other interested parties in the District, to preserve the special tax revenue stream in the manner contemplated in the Rate and Method in order to pay for the cost of the facilities and services authorized to be financed by the levy thereof for the District.

SECTION 5. The Rate and Method provides that, in the event a rezoning of an Original Parcel results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel, and that Expected Land Uses are the Net Taxable Acreage of each Land Use Class expected on an Original Parcel based on reference to the Expected Land Use Map on file with the District Administrator and City Clerk. An exception shall not be made from the application of this provision in the event the rezoning occurs prior to the Original Parcel becoming a part of the District.

SECTION 6. The City Clerk is directed to provide an executed copy of this Resolution to the District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-682**

**A RESOLUTION APPROVING AMENDMENT #2 TO THE VILLAGE ONE  
FACILITIES MASTER PLAN UPDATE (MAY 2003).**

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted the Village One Facilities Master Plan Update – May 2003 (“VI FMP”), and

WHEREAS, Resolution No. 2003-223 requested that periodic reviews of the VI FMP occur to assure that the base requirements, guidelines and cost estimates remain current, and

WHEREAS, on December 7, 2004, the City Council approved Amendment #1 to the VI FMP (Resolution No. 2004-647) which reduced the storm water storage requirement for Freedom Neighborhood Park, and

WHEREAS, staff has reviewed the VI FMP and identified that right-of-way, originally programmed at \$150,000 per acre, has increased to \$350,000 per acre, and

WHEREAS, staff has reviewed the VI FMP and further identified that MID pole relocation, originally programmed at \$5,000 per pole, has increased to \$15,000 per wooden pole and \$35,000 per steel pole, and

WHEREAS, staff has reviewed the VI FMP and further identified that there was a \$100,000 addition error in Intersection Project INT-005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the proposed Amendment #2 to the Village One Facilities Master Plan Update (May 2003), a copy of which is attached hereto as **Exhibit “A”** and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

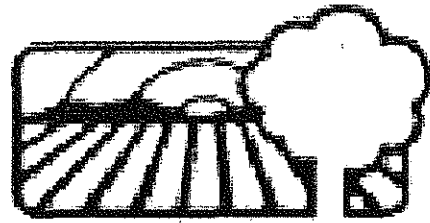
NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**CITY OF MODESTO**

**Village One  
Facilities Master Plan  
Update**

***Cost Estimating  
Report***

***Updated November, 2004***

***Prepared by:***



**Harris & Associates**

Table 8-1

## CFD FUNDED PROJECTS- Updated November, 2004

Infrastructure Summary - Village One						
Project Number	Project Name	2002 Estimate to Complete				Total Cost (rounded)
		Construction Cost	Design (10%)	Contingency & CM/Inspection (25%)**	Land Acquisition	
<b>TRAFFIC</b>						
<b>Intersections</b>						
CFD INT001	Sylvan and Oakdale	\$1,045,960	\$104,596	\$261,490	\$1,244,500	\$2,657,000
CFD INT002	Sylvan and Litt	\$509,105	\$50,911	\$127,276	\$336,500	\$1,024,000
CFD INT003	Sylvan and Aria	\$470,431	\$47,043	\$117,608	\$211,000	\$846,000
CFD INT004	Oakdale and Road G	\$547,930	\$54,793	\$136,983	\$206,500	\$946,000
CFD INT005	Oakdale and Floyd	\$1,142,410	\$114,241	\$285,603	\$423,500	\$1,966,000
CFD INT006	Oakdale and Briggsmore	\$60,220	\$6,022	\$15,055	\$16,500	\$98,000
CFD INT007	Roselle and Merle	\$125,950	\$12,595	\$31,488	\$125,000	\$295,000
CFD INT008	Roselle and BelHarbour (Includes Roselle to Roselle/Floyd Intersection)	\$467,480	\$46,748	\$116,865	\$126,000	\$757,000
CFD INT009	Roselle and Floyd	\$1,501,100	\$150,110	\$375,275	\$569,000	\$2,595,000
CFD INT010	Roselle and Sylvan	\$1,420,275	\$142,028	\$355,069	\$324,500	\$2,242,000
CFD INT011	Claus and Sylvan	\$676,685	\$67,669	\$169,171	\$145,500	\$1,059,000
<b>Roads</b>						
CFD RD001A	Sylvan Avenue - Oakdale to Wood Sorrel- South Side	\$678,560	\$67,856	\$169,640	\$580,000	\$1,496,000
CFD RD001B	Sylvan Avenue - Oakdale to Aria - North Side	\$1,062,675	\$106,268	\$265,669	\$328,500	\$1,763,000
CFD RD002	Sylvan Avenue - Wood Sorrel to Aria - South Side	\$312,780	\$31,278	\$78,195	\$398,000	\$820,000
CFD RD003	Sylvan Avenue - Aria to Roselle	\$1,248,845	\$124,885	\$312,211	\$593,000	\$2,279,000
CFD RD004A	Sylvan Avenue - Roselle to Millbrook - South Side	\$520,570	\$52,057	\$130,143	\$160,500	\$863,000
CFD RD004B	Sylvan Avenue - Roselle to School Property Line - North Side	\$791,060	\$79,106	\$197,765	\$263,500	\$1,331,000
CFD RD005	Sylvan Avenue - Litt to Claus - North Side	\$856,815	\$85,682	\$214,204	\$377,000	\$1,534,000
CFD RD006	Construct Pedestrian Overcrossing (including crash cushion) on Sylvan Avenue	\$1,142,300	\$114,230	\$285,575	\$0	\$1,542,000
CFD RD007	Floyd Avenue - Oakdale to Roselle	\$2,616,250	\$261,625	\$654,063	\$903,000	\$4,435,000
CFD RD008	Floyd Avenue - Roselle to Millbrook	\$1,346,350	\$134,635	\$336,588	\$297,500	\$2,115,000
CFD RD009	Floyd Avenue - Millbrook to Fine	\$2,045,940	\$204,594	\$511,485	\$82,500	\$2,845,000
CFD RD010	Floyd Avenue - Fine to Claus	\$1,115,925	\$111,593	\$278,981	\$921,500	\$2,428,000
CFD RD011	Oakdale Road - Briggs to Floyd	\$25,680	\$2,568	\$6,420	\$0	\$35,000
CFD RD012	Oakdale Road - Floyd to Road G	\$698,445	\$69,845	\$174,611	\$425,500	\$1,368,000
CFD RD013	Oakdale Road - Road G to Sylvan	\$617,925	\$61,793	\$154,481	\$320,000	\$1,154,000
CFD RD014	Roselle Avenue - Briggsmore to Merle	\$17,010	\$1,701	\$4,253	\$0	\$23,000
CFD RD015	Roselle Avenue - Floyd to Sylvan	\$2,103,720	\$210,372	\$525,930	\$679,500	\$3,520,000
CFD RD016	Roselle Avenue - North of Sylvan	\$1,463,940	\$146,394	\$365,985	\$413,000	\$2,389,000
<b>Total Traffic</b>		<b>\$26,932,317</b>	<b>\$2,693,232</b>	<b>\$6,656,079</b>	<b>\$10,471,500</b>	<b>\$46,425,000</b>

Table 8-1

## CFD FUNDED PROJECTS- Updated November, 2004

Infrastructure Summary - Village One		2002 Estimate to Complete				
Project Number	Project Name	Construction Cost	Design (10%)	Contingency & CM/Inspection (25%)**	Land Acquisition	Total Cost (rounded)
<b>STORM DRAINAGE</b>						
SD-201	West Basin fencing of lower tier	\$28,000	\$2,800	\$7,000		\$37,800
SD-202A	West Basin-90" RCP	\$230,000	\$23,000	\$57,500		\$310,500
SD-202B	West Basin-48" RCP	\$8,400	\$840	\$2,100		\$11,300
SD-202C	West Basin-78" RCP	\$270,000	\$27,000	\$67,500		\$364,500
SD-202D	West Basin-northerly Inlet structure	\$50,000	\$5,000	\$12,500		\$67,500
SD-203A	West Basin-66" RCP	\$26,410	\$2,541	\$6,353		\$34,300
SD-203B	West Basin-southerly Inlet structure	\$50,000	\$5,000	\$12,500		\$67,500
SD-204	West Basin forebay, low flow channel, maintenance road and 30" pipe to pump station	\$40,000	\$4,000	\$10,000		\$54,000
SD-205	Hillglen Ave. 60" RCP from Roselle to Esta	\$376,800	\$37,680	\$94,200	\$100,000	\$608,700
SD-206	Central Basin inlet structures and energy dissipator	\$80,000	\$8,000	\$20,000		\$108,000
SD-207	Force Main from West Basin to Central Basin (24" PVC (C-905))	\$779,000	\$77,900	\$194,750		\$1,051,700
SD-209	West Basin Pump Station	\$376,000	\$37,600	\$94,000		\$507,600
SD-210A	Central Basin Pump Station	\$270,000	\$27,000	\$67,500		\$364,500
SD-210B	Central Basin-force main to MID canal	\$40,000	\$4,000	\$10,000		\$54,000
SD-210C	Central Basin-forebay, low flow channel, 30" pipe to pump station	\$40,000	\$4,000	\$10,000		\$54,000
SD-210D	Central Basin-1000' maintenance access road	\$42,000	\$4,200	\$10,500		\$56,700
SD-211	Central Basin property purchase-payback to storm drain fund	\$634,750	\$0	\$0		\$634,800
SD-212	30" RCP from Merle to Central Basin (C-107 to basin)	\$73,500	\$7,350	\$18,375		\$99,200
SD-213	East Basin Property Acquisition	\$0	\$0	\$0	\$3,500,000	\$3,500,000
SD-214	Landscape West Basin per RHAA plan	\$1,112,000	\$111,200	\$278,000		\$1,501,200
SD-215	7 AC-ft retention basin on Grogan Park	\$60,000	\$6,000	\$15,000		\$81,000
SD-216	6 AC-ft retention basin on Merle Park	\$50,000	\$5,000	\$12,500		\$67,500
SD-217	36" RCP overflow line from Fine to Merle Park	\$151,200	\$15,120	\$37,800		\$204,100
SD-218	24" RCP (C-165-C-109, CDM Report) Merle Park to Merle	\$87,200	\$8,720	\$16,800		\$90,700
SD-219A	East Basin Construction	\$1,500,000	\$150,000	\$375,000		\$2,025,000
SD-219B	East Basin Landscaping	\$1,742,400	\$174,240	\$435,600		\$2,352,200
SD-220	Claus Rd. trunk line from Floyd to East Basin (to be designed later)	\$2,000,000	\$200,000	\$500,000		\$2,700,000
SD-221	East Basin Pump Station	\$400,000	\$40,000	\$100,000		\$540,000
SD-222	Force Main from Central Basin to Claus Rd. line	\$400,000	\$40,000	\$100,000		\$540,000
SD-223	30" RCP (W-21 to W-22, CDM Report) Hillglen	\$89,250	\$8,925	\$22,313		\$120,500
SD-224	36" RCP (W-107 to W-105, CDM Report) Kodiak	\$138,600	\$13,860	\$34,650		\$187,100
SD-225	48" RCP (W-105 to W-101, CDM Report) Kodiak	\$268,800	\$26,880	\$67,200		\$362,900
SD-227	42" RCP at Floyd & Fine	\$30,150	\$3,015	\$7,538		\$40,700
SD-228	Merle Ave. -Central Basin frontage	\$96,000	\$9,600	\$24,000		\$129,600
SD-229	Force Main from East Basin to Claus Rd. line	\$100,000	\$10,000	\$25,000		\$135,000
SD-300	Bear Cub Lane, Kodiak Dr., Hillglen Ave.-West Basin & Ustach Park frontage	\$899,000	\$89,900	\$224,750		\$1,213,700
<b>Total Storm Drain:</b>		<b>\$12,518,460</b>	<b>\$1,188,371</b>	<b>\$2,970,928</b>	<b>\$3,600,000</b>	<b>\$20,277,800</b>

Table 8-1

**CFD FUNDED PROJECTS- Updated November, 2004**

		Infrastructure Summary - Village One				
Project Number	Project Name	2002 Estimate to Complete				
		Construction Cost	Design (10%)	Contingency & CM/Inspection (25%)**	Land Acquisition	Total Cost (rounded)
<b><u>PARKS</u></b>						
CFD PK001a	Grogan Community Park * Phase 1 & 2	\$4,841,000	See Note (1)	\$0	\$1,210,250	Completed \$6,051,300
CFD PK001b	Grogan Community Park * Phase 3 & 4	\$3,305,200		\$0	\$826,300	Completed \$4,131,500
CFD PK002	Buffer	\$0		\$0	\$0	\$213,100 \$213,100
CFD PK003	Ustach Neighborhood *	\$495,837		\$0	\$123,959	Completed \$619,800
CFD PK004	Claus Neighborhood *	\$632,747		\$0	\$158,187	Completed \$790,900
CFD PK005	Marle Neighborhood *	\$759,780		\$0	\$189,945	Completed \$949,700
CFD PK006	Bike Trail MID Lat. No. 3	\$950,000	\$291,600	\$237,500		Completed \$1,479,100
CFD PK007	Claus Urban Expressway Trail	\$1,500,000	\$453,600	\$375,000	\$2,500,000	\$4,828,600
<b>Total Parks:</b>		<b>\$12,484,564</b>	<b>\$745,200</b>	<b>\$3,121,141</b>	<b>\$2,713,100</b>	<b>\$19,064,000</b>
<b><u>PUBLIC FACILITIES</u></b>						
CFD PD001	Police	\$27,472	\$0	\$0	\$0	\$27,500
<b>Total Public Facilities:</b>		<b>\$27,472</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$27,500</b>
<b><u>MISC</u></b>						
CFD M001	Planning Recoup	\$759,350	\$0	\$0	\$0	\$759,000
CFD M002	Monumentation and Signage	\$500,000	\$0	\$0	\$0	\$500,000
CFD M003	Property Acquisition Contingency***	\$940,500	\$0	\$0	\$0	\$940,500
<b>Total Misc:</b>		<b>\$2,199,850</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,199,850</b>
<b>Total Cost of Infrastructure:</b>		<b>\$53,862,700</b>	<b>\$4,596,800</b>	<b>\$12,750,100</b>	<b>\$16,784,600</b>	<b>\$87,993,800</b>

\* Parks are funded by both CFD and CFF.

\*\* Includes 15% contingency and 10% for CM/Inspection

\*\*\*=\$100k x .5(18.81AC)

(1) Park Design Funded by CFF.

**City of Modesto  
Unit Costs**

Item	New (2004) Unit Prices	2002 Unit Prices	Original (1999) Unit Prices
Clearing and Grubbing (SF)		\$0.10	
Remove Pavement (SY)		\$2.50	\$2.00
Roadway Excavation (CY)		\$15.00	\$10.00
Asphalt Concrete (Ton)		\$45.00	\$30.00
Aggregate Base (Ton)		\$25.00	\$14.00
Curb & Gutter (LF)		\$15.00	\$10.00
Median Curb (LF)		\$18.00	\$9.00
Sidewalk (SF)		\$3.00	\$3
Parkway Landscaping (SF)		\$4.50	\$4.26
Median Landscaping (SF)		\$4.35	\$4.11
Electroliers		\$5,000	\$1,500
Signing & Striping (SF)		\$0.10	
Relocate Power Poles (ea)	\$15,000.00	\$5,000	
Reconstruct Private Improvements (ea)		\$10,000	
Right Of Way (ac)	\$350,000.00	\$150,000	\$40,000.00
Right Of Way for Developed Commercial Use (ac)		\$550,000	
Acquisition Costs (per parcel)		\$30,000	

Updated: November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT001  
**Project Title:** Sylvan & Oakdale Intersection  
**Location:** Sylvan & Oakdale  
**Revised:**

**Project Description:** Construct Oakdale/Sylvan intersection. Temporary taper will be required on west leg of sylvan Ave

**Project Status:**

**Project Notes:** 5' Sidewalk on the NE corner.

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	90100	\$0.10	\$9,010
Remove Pavement (SY)	1100	\$2.50	\$2,750
Roadway Excavation (CY)	5600	\$15.00	\$84,000
Asphalt Concrete (Ton)	2700	\$45.00	\$121,500
Aggregate Base (Ton)	8800	\$25.00	\$220,000
Curb & Gutter (LF)	2600	\$15.00	\$39,000
Median Curb (LF)	3000	\$18.00	\$54,000
Sidewalk (SF)	14600	\$3.00	\$43,800
Parkway Landscaping (SF)	8100	\$4.50	\$36,450
Landscaping (SF)	9600	\$4.35	\$41,760
Electroliers	9	\$5,000.00	\$45,000
Signing and Striping (SF)	66900	\$0.10	\$6,690
Reconstr Priv. Imp's (LS)	2	\$10,000	\$20,000
Storm Drainage (LS)	1	\$52,000	\$52,000
Relocate Power Poles (EA)	18	\$15,000	\$270,000
<b>Construction Total:</b>			<b>\$1,045,960</b>
35% Mark-up:			\$366,086
Business Relocation			\$575,000
Right Of Way for developed comm use (ac)	0.89	\$550,000	\$489,500
Acquisition Cost	6.00	\$30,000	\$180,000
<b>Total:</b>			<b>\$2,656,546</b>
<b>Say:</b>			<b>\$2,657,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT002

**Project Title:** Sylvan & Litt Intersection

**Location:** Sylvan & Litt

**Revised:**

**Project Description:** Construct Sylvan and Litt Intersection. Widen Sylvan Ave to the west all the way to the school property line Temporary taper on East limit will need to be constructed.

**Project Status:** South side of Sylvan Ave. is complete. North side needs to be constructed.

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	53600	\$0.10	\$5,360
Remove Pavement (SY)	2600	\$2.50	\$6,500
Roadway Excavation (CY)	3200	\$15.00	\$48,000
Asphalt Concrete (Ton)	1500	\$45.00	\$67,500
Aggregate Base (Ton)	4900	\$25.00	\$122,500
Curb & Gutter (LF)	1000	\$15.00	\$15,000
Median Curb (LF)	2000	\$18.00	\$36,000
Sidewalk (SF)	3900	\$3.00	\$11,700
Parkway Landscaping (SF)	7800	\$4.50	\$35,100
Landscaping (SF)	11300	\$4.35	\$49,155
Electroliers	5	\$5,000.00	\$25,000
Signing and Striping (SF)	41900	\$0.10	\$4,190
Reconstr Priv. Imp's (LS)	0	\$10,000	\$0
Storm Drainage (LS)	1	\$83,100	\$83,100
Relocate Power Poles (EA)	0	\$15,000	\$0
<b>Construction Total:</b>			<b>\$509,105</b>
35% Mark-up:			\$178,187
Right Of Way (ac)	0.79	\$350,000	\$276,500
Acquisition Cost	2.00	\$30,000	\$60,000
<b>Total:</b>			<b>\$1,023,792</b>
<b>Say:</b>			<b>\$1,024,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT003  
**Project Title:** Sylvan & Aria Intersection  
**Location:** Sylvan & Aria  
**Revised:**

**Project Description:** Complete Sylvan/Aria Intersection. Temporary tapers on Sylvan Ave will be required until the North Side of Sylvan Ave is built beyond the intersection limits.

**Project Status:** Part of the Southern Side has already been completed.

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	51450	\$0.10	\$5,145
Remove Pavement (SY)	1717	\$2.50	\$4,293
Roadway Excavation (CY)	3114	\$15.00	\$46,708
Asphalt Concrete (Ton)	1424	\$45.00	\$64,074
Aggregate Base (Ton)	4882	\$25.00	\$122,044
Curb & Gutter (LF)	745	\$15.00	\$11,175
Median Curb (LF)	1210	\$18.00	\$21,780
Sidewalk (SF)	2980	\$3.00	\$8,940
Parkway Landscaping (SF)	5220	\$4.50	\$23,490
Landscaping (SF)	6515	\$4.35	\$28,340
Electroliers	3	\$5,000	\$17,417
Signing and Striping (SF)	43250	\$0.10	\$4,325
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Storm Drainage (LS)	1	\$27,700	\$27,700
Relocate Power Poles (EA)	5	\$15,000	\$75,000
<b>Construction Total:</b>			<b>\$470,431</b>
35% Mark-up:			\$164,651
Right Of Way (ac)	0.26	\$350,000	\$91,000
Acquisition Cost	4.00	\$30,000	\$120,000
<b>Total:</b>			<b>\$846,082</b>
<b>Say:</b>			<b>\$846,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT004  
**Project Title:** Oakdale & Road G Intersection  
**Location:** Oakdale & Road G  
**Revised:**

**Project Description:** Construct Oakdale/Road G intersectin.

**Project Status:** West side of oakdale is to remain except a bus turnout needs to be constructed.  
Temporary tapers will need to be constructed on Oakdale.

**Project Notes:** Structures need to be removed/replaced.

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	51600	\$0.10	\$5,160
Remove Pavement (SY)	800	\$2.50	\$2,000
Roadway Excavation (CY)	2800	\$15.00	\$42,000
Asphalt Concrete (Ton)	1400	\$45.00	\$63,000
Aggregate Base (Ton)	4200	\$25.00	\$105,000
Curb & Gutter (LF)	900	\$15.00	\$13,500
Median Curb (LF)	1300	\$18.00	\$23,400
Sidewalk (SF)	2800	\$3.00	\$8,400
Parkway Landscaping (SF)	5600	\$4.50	\$25,200
Landscaping (SF)	7000	\$4.35	\$30,450
Electroliers	4.00	\$5,000.00	\$20,000
Signing and Striping (SF)	43200	\$0.10	\$4,320
Reconstr Priv. Imp's (LS)	1	\$70,000	\$70,000
Storm Drainage (LS)	1	\$45,500	\$45,500
Relocate Power Poles (EA)	6	\$15,000	\$90,000
<b>Construction Total:</b>			<b>\$547,930</b>
35% Mark-up:			\$191,776
Right Of Way (ac)	0.59	\$350,000	\$206,500
<b>Total:</b>			<b>\$946,206</b>
<b>Say:</b>			<b>\$946,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT005  
**Project Title:** Oakdale & Floyd Intersection  
**Location:** Oakdale & Floyd  
**Revised:**

**Project Description:** Construct Oakdale/Floyd intersection.

**Project Status:** A temporary taper will be required on North leg of Oakdale.

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	91300	\$0.10	\$9,130
Remove Pavement (SY)	300	\$2.50	\$750
Roadway Excavation (CY)	5200	\$15.00	\$78,000
Asphalt Concrete (Ton)	2700	\$45.00	\$121,500
Aggregate Base (Ton)	8200	\$25.00	\$205,000
Curb & Gutter (LF)	2400	\$15.00	\$36,000
Median Curb (LF)	1000	\$18.00	\$18,000
Sidewalk (SF)	12800	\$3.00	\$38,400
Parkway Landscaping (SF)	13000	\$4.50	\$58,500
Landscaping (SF)	2200	\$4.35	\$9,570
Electroliers	9	\$5,000.00	\$45,000
Signing and Striping (SF)	65600	\$0.10	\$6,560
Reconstr Priv. Imp's (LS)	3	\$50,000	\$150,000
Storm Drainage (LS)	1	\$66,000	\$66,000
Relocate Power Poles (EA)	20	\$15,000	\$300,000
<b>Construction Total:</b>			<b>\$1,142,410</b>
35% Mark-up:			\$399,844
Right Of Way - undeveloped (ac)	0.77	\$350,000	\$269,500
Right Of Way comm developed(ac)	0.28	\$550,000	\$154,000
<b>Total:</b>			<b>\$1,965,754</b>
<b>Say:</b>			<b>\$1,966,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT006  
**Project Title:** Oakdale & Briggsmore Intersection  
**Location:** Oakdale & Briggsmore  
**Revised:**

**Project Description:** Restripe Oakdale Road, build Median and cconstruct bus turnout.

**Project Status:** Existing AC is wide enough to accommodate. Only section outside existing RO' is bus Turnout

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	3100	\$0.10	\$310
Remove Pavement (SY)	0	\$2.50	\$0
Roadway Excavation (CY)	200	\$15.00	\$3,000
Asphalt Concrete (Ton)	100	\$45.00	\$4,500
Aggregate Base (Ton)	200	\$25.00	\$5,000
Curb & Gutter (LF)	200	\$15.00	\$3,000
Median Curb (LF)	0	\$18.00	\$0
Sidewalk (SF)	1800	\$3.00	\$5,400
Parkway Landscaping (SF)	0	\$4.50	\$0
Landscaping (SF)	0	\$4.35	\$0
Electroliers	2	\$5,000.00	\$10,000
Signing and Striping (SF)	40100	\$0.10	\$4,010
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Relocate Power Poles (EA)	1	\$15,000	\$15,000
<b>Construction Total:</b>			<b>\$60,220</b>
35% Mark-up:			\$21,077
Right Of Way - Comm Developed (ac)	0.03	\$550,000	\$16,500
<b>Total:</b>			<b>\$97,797</b>
<b>Say:</b>			<b>\$98,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT007  
**Project Title:** Roselle & Merle Intersection  
**Location:** Roselle & Merle  
**Revised:**

**Project Description:** Construct Oakdale/Roselle Intersection including north east leg of Merle.

**Project Status:** Project completed except for Northeast leg of intersection and completion median curb.

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	12300	\$0.10	\$1,230
Remove Pavement (SY)	300	\$2.50	\$750
Roadway Excavation (CY)	800	\$15.00	\$12,000
Asphalt Concrete (Ton)	500	\$45.00	\$22,500
Aggregate Base (Ton)	1200	\$25.00	\$30,000
Curb & Gutter (LF)	300	\$15.00	\$4,500
Median Curb (LF)	700	\$18.00	\$12,600
Sidewalk (SF)	1100	\$3.00	\$3,300
Parkway Landscaping (SF)	2100	\$4.50	\$9,450
Landscaping (SF)	2000	\$4.35	\$8,700
Electroliers	2	\$5,000.00	\$10,000
Signing and Striping (SF)	9200	\$0.10	\$920
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Relocate Power Poles (EA)	0	\$15,000	\$0
<b>Construction Total:</b>			<b>\$125,950</b>
35% Mark-up:			\$44,083
Right Of Way (ac)	0.10	\$350,000	\$35,000
Acquisition Cost	3.00	\$30,000	\$90,000
<b>Total:</b>			<b>\$295,033</b>
<b>Say:</b>			<b>\$295,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT008  
**Project Title:** Roselle & Belharbour Intersection  
**Location:** Roselle & Belharbour  
**Revised:**

**Project Description:** Construct Roselle and Belharbour Intersection. Roselle improvements extend North to the limits of the intersection of Roselle and Floyd

**Project Status:** Existing improvements on the west side of Roselle are to remain. The south leg of the intersection has been completed except for the median. Existing AC needs to be restriped and a bus turnout constructed.

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	42400	\$0.10	\$4,240
Remove Pavement (SY)	1500	\$2.50	\$3,750
Roadway Excavation (CY)	2600	\$15.00	\$39,000
Asphalt Concrete (Ton)	1300	\$45.00	\$58,500
Aggregate Base (Ton)	4100	\$25.00	\$102,500
Curb & Gutter (LF)	900	\$15.00	\$13,500
Median Curb (LF)	2400	\$18.00	\$43,200
Sidewalk (SF)	3300	\$3.00	\$9,900
Parkway Landscaping (SF)	6600	\$4.50	\$29,700
Landscaping (SF)	13200	\$4.35	\$57,420
Electroliers	4	\$5,000.00	\$20,000
Signing and Striping (SF)	32500	\$0.10	\$3,250
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Storm Drainage (LS)	1	\$72,500	\$72,500
Relocate Power Poles (EA)	0	\$15,000	\$0
<b>Construction Total:</b>			<b>\$467,460</b>
35% Mark-up:			\$163,611
Right Of Way (ac)	0.36	\$350,000	\$126,000
<b>Total:</b>			<b>\$757,071</b>
<b>Say:</b>			<b>\$757,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT009

**Project Title:** Roselle & Floyd Intersection

**Location:** Roselle & Floyd

**Revised:**

**Project Description:** Construct Roselle/Floyd intersection. Temporary tapers will be required on the north, south and east legs of the intersection.

**Project Status:** Existing improvements to remain on the southwest corner.

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	160500	\$0.10	\$16,050
Remove Pavement (SY)	1200	\$2.50	\$3,000
Roadway Excavation (CY)	9400	\$15.00	\$141,000
Asphalt Concrete (Ton)	4600	\$45.00	\$207,000
Aggregate Base (Ton)	14500	\$25.00	\$362,500
Curb & Gutter (LF)	2400	\$15.00	\$36,000
Median Curb (LF)	3300	\$18.00	\$59,400
Sidewalk (SF)	12800	\$3.00	\$38,400
Parkway Landscaping (SF)	20000	\$4.50	\$90,000
Landscaping (SF)	10800	\$4.35	\$46,980
Electroliers	9	\$5,000.00	\$45,000
Signing and Striping (SF)	127700	\$0.10	\$12,770
Reconstr Priv. Imp's (LS)	1	\$90,000	\$90,000
Storm Drainage	1	\$123,000	\$123,000
Relocate 13 Power Poles + 1 Steel Utility Pole	1	\$230,000	\$230,000
<b>Construction Total:</b>			<b>\$1,501,100</b>
35% Mark-up:			\$525,385
Right Of Way (ac)	1.54	\$350,000	\$539,000
Acquisition Cost	1.00	\$30,000	\$30,000
<b>Total:</b>			<b>\$2,595,485</b>
<b>Say:</b>			<b>\$2,595,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT010  
**Project Title:** Roselle & Sylvan Intersection  
**Location:** Roselle & Sylvan  
**Revised:**

**Project Description:** Construct Roselle/Sylvan intersection including temporary tapers on the north, south and west legs.

**Project Status:** The southwest corner has been completed.

**Project Notes:** Reduce sidewalk to 5' on norther east corner at Vet Office

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	142300	\$0.10	\$14,230
Remove Pavement (SY)	4800	\$2.50	\$12,000
Roadway Excavation (CY)	9000	\$15.00	\$135,000
Asphalt Concrete (Ton)	4200	\$45.00	\$189,000
Aggregate Base (Ton)	14200	\$25.00	\$355,000
Curb & Gutter (LF)	2000	\$15.00	\$30,000
Median Curb (LF)	2800	\$18.00	\$50,400
Sidewalk (SF)	8400	\$3.00	\$25,200
Parkway Landscaping (SF)	14800	\$4.50	\$66,600
Landscaping (SF)	8900	\$4.35	\$38,715
Electroliers	8	\$5,000.00	\$40,000
Signing and Striping (SF)	119300	\$0.10	\$11,930
Reconstr Priv. Imp's (LS)	1	\$120,000	\$120,000
Storm Drainage (LS)	1	\$62,200	\$62,200
Relocate Power Poles (EA)	18	\$15,000	\$270,000
<b>Construction Total:</b>			<b>\$1,420,275</b>
35% Mark-up:			\$497,096
Right Of Way (ac)	0.56	\$350,000	\$196,000
Right Of Way - Comm Developed (ac)	0.07	\$550,000	\$38,500
Acquisition Cost	3.00	\$30,000	\$90,000
<b>Total:</b>			<b>\$2,241,871</b>
<b>Say:</b>			<b>\$2,242,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD INT011  
**Project Title:** Claus & Sylvan Intersection  
**Location:** Claus & Sylvan  
**Revised:**

**Project Description:** Construct Sylvan Avenue at the intersection of Claus and construct the south side of sylvan to the end of the completed improvements. Provide a temporary taper from the limits of the full width intersection improvements to the phase 1 limits.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	74100	\$0.10	\$7,410
Remove Pavement (SY)	1100	\$2.50	\$2,750
Roadway Excavation (CY)	4200	\$15.00	\$63,000
Asphalt Concrete (Ton)	2100	\$45.00	\$94,500
Aggregate Base (Ton)	6400	\$25.00	\$160,000
Curb & Gutter (LF)	1400	\$15.00	\$21,000
Median Curb (LF)	900	\$18.00	\$16,200
Sidewalk (SF)	5600	\$3.00	\$16,800
Parkway Landscaping (SF)	11100	\$4.50	\$49,950
Landscaping (SF)	2900	\$4.35	\$12,615
Electroliers	6	\$5,000.00	\$30,000
Signing and Striping (SF)	57600	\$0.10	\$5,760
Reconstr Priv. Imp's (LS)	4	\$10,000	\$40,000
Storm Drainage (LS)	1	\$36,700	\$36,700
Relocate Power Poles (EA)	8	\$15,000	\$120,000
<b>Construction Total:</b>			<b>\$676,685</b>
35% Mark-up:			\$236,840
Right Of Way (ac)	0.33	\$350,000	\$115,500
Acquisition Cost	1.00	\$30,000	\$30,000
<b>Total:</b>			<b>\$1,059,025</b>
<b>Say:</b>			<b>\$1,059,000</b>

**City of Modesto**  
**CFD Fund**  
**Project Detail Sheet**

**Project Number:** CFD RD001a

**Project Title:** Sylvan Avenue Widening

**Location:** Sylvan Avenue - Oakdale to Wood Sorrel - South Side

**Revised:**

**Project Description:** Widen Sylvan Avenue to 4 lanes by constructing south side improvements. 4 lanes can be achieved as an interim project by widening only the south side and not constructing a median.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	42300	\$0.10	\$4,230
Remove Pavement (SY)	0	\$2.50	\$0
Roadway Excavation (CY)	2800	\$15.00	\$42,000
Asphalt Concrete (Ton)	1400	\$45.00	\$63,000
Aggregate Base (Ton)	4500	\$25.00	\$112,500
Curb & Gutter (LF)	1000	\$15.00	\$15,000
Median Curb (LF)	0	\$18.00	\$0
Sidewalk (SF)	3800	\$3.00	\$11,400
Parkway Landscaping (SF)	5700	\$4.50	\$25,650
Landscaping (SF)	0	\$4.35	\$0
Electroliers	5	\$5,000.00	\$25,000
Signing and Striping (SF)	32800	\$0.10	\$3,280
Reconstr Priv. Imp's (LS)	1	\$118,000	\$118,000
Storm Drainage (LS)	1	\$138,500	\$138,500
Relocate Power Poles (EA)	8	\$15,000	\$120,000
<b>Construction Total:</b>			<b>\$678,560</b>
35% Mark-up:			\$237,496
Right Of Way (ac)	0.09	\$350,000	\$31,500
Right-of-way Acquisition (LS)	1	\$335,000	\$335,000
Right-of-way Acquisition - Comm Developed (LS)	0.17	\$550,000	\$93,500
Acquisition Costs	4.00	\$30,000	\$120,000
<b>Total:</b>			<b>\$1,496,056</b>
<b>Say:</b>			<b>\$1,496,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD001b

**Project Title:** Sylvan Avenue Widening

**Location:** Sylvan Avenue - Oakdale to Aria- North Side

**Revised:**

**Project Description:** Construct north half of road including median.

**Project Status:**

**Project Notes:** Exist AC will be removed.

**NEW COST ESTIMATE:**

Item	Quantity	Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	99500	\$0.10	\$9,950
Remove Pavement (SY)	4400	\$2.50	\$11,000
Roadway Excavation (CY)	7000	\$15.00	\$105,000
Asphalt Concrete (Ton)	3100	\$45.00	\$139,500
Aggregate Base (Ton)	11000	\$25.00	\$275,000
Curb & Gutter (LF)	1900	\$15.00	\$28,500
Median Curb (LF)	3500	\$18.00	\$63,000
Sidewalk (SF)	7400	\$3.00	\$22,200
Parkway Landscaping (SF)	11100	\$4.50	\$49,950
Landscaping (SF)	13900	\$4.35	\$60,465
Electroliers	8	\$5,000	\$40,000
Signing and Striping (SF)	81100	\$0.10	\$8,110
Reconstr Priv. Imp's (LS)	4	\$10,000	\$40,000
Relocate Power Poles (EA)	14	\$15,000	\$210,000
<b>Construction Total:</b>			<b>\$1,062,675</b>
35% Mark-up:			\$371,936
Right Of Way (ac)	0.51	\$350,000	\$178,500
Acquisition Cost	5	\$30,000	\$150,000
		<b>Total:</b>	<b>\$1,763,111</b>
		<b>Say:</b>	<b>\$1,763,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD002

**Project Title:** Sylvan Avenue Widening

**Location:** Sylvan Avenue - Wood Sorrel to Aria - South Side

**Revised:**

**Project Description:** Widen Sylvan Avenue to 4 lanes by constructing south side of road. 4 lanes can be achieved as an interim project by widening only the south side and not constructing a median. Widening is completed to the west & east of this project.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	40500	\$0.10	\$4,050
Remove Pavement (SY)	0	\$2.50	\$0
Roadway Excavation (CY)	2300	\$15.00	\$34,500
Asphalt Concrete (Ton)	1100	\$45.00	\$49,500
Aggregate Base (Ton)	3600	\$25.00	\$90,000
Curb & Gutter (LF)	700	\$15.00	\$10,500
Median Curb (LF)	0	\$18.00	\$0
Sidewalk (SF)	2600	\$3.00	\$7,800
Parkway Landscaping (SF)	11600	\$4.50	\$52,200
Landscaping (SF)	0	\$4.35	\$0
Electroliers	4	\$5,000	\$20,000
Signing and Striping (SF)	26300	\$0.10	\$2,630
Reconstr Priv. Imp's (LS)	0	\$10,000	\$0
Storm Drainage (LS)	1	\$41,600	\$41,600
Relocate Power Poles (EA)	0	\$15,000	\$0
<b>Construction Total:</b>			<b>\$312,780</b>
35% Mark-up:			\$109,473
Right Of Way (ac)	0.08	\$350,000	\$28,000
Right-of-way Acquisition (LS)	1.00	\$460,000	\$460,000
Acquisition Cost	1.00	\$30,000	\$30,000
Resale of Lots	4.00	-\$30,000	-\$120,000
<b>Total:</b>			<b>\$820,253</b>
<b>Say:</b>			<b>\$820,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD003

**Project Title:** Sylvan Avenue Widening

**Location:** Sylvan Avenue - Aria to Roselle

**Revised:**

**Project Description:** Widen the north side of Sylvan Avenue including Median.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	107400	\$0.10	\$10,740
Remove Pavement (SY)	5300	\$2.50	\$13,250
Roadway Excavation (CY)	7300	\$15.00	\$109,500
Asphalt Concrete (Ton)	3500	\$45.00	\$157,500
Aggregate Base (Ton)	11600	\$25.00	\$290,000
Curb & Gutter (LF)	1900	\$15.00	\$28,500
Median Curb (LF)	3600	\$18.00	\$64,800
Sidewalk (SF)	7400	\$3.00	\$22,200
Parkway Landscaping (SF)	14700	\$4.50	\$66,150
Landscaping (SF)	21900	\$4.35	\$95,265
Electroliers	8	\$5,000.00	\$40,000
Signing and Striping (SF)	85400	\$0.10	\$8,540
Reconstr Priv. Imp's (LS)	1	\$25,000	\$25,000
Storm Drainage (LS)	1	\$152,400	\$152,400
Relocate Power Poles (EA)	11	\$15,000	\$165,000
<b>Construction Total:</b>			<b>\$1,248,845</b>
35% Mark-up:			\$437,096
Right Of Way (ac)	1.18	\$350,000	\$413,000
Acquisition Cost	6.00	\$30,000	\$180,000
<b>Total:</b>			<b>\$2,278,941</b>
<b>Say:</b>			<b>\$2,279,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD004a

**Project Title:** Sylvan Avenue Widening

**Location:** Sylvan Avenue - Roselle to Millbrook - South Side

**Revised:**

**Project Description:** Widen Sylvan Avenue to 4 lanes by constructing south side improvements. 4 lanes can be achieved as an interim project by widening only the south side and not constructing a median.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	39700	\$0.10	\$3,970
Remove Pavement (SY)	0	\$2.50	\$0
Roadway Excavation (CY)	2300	\$15.00	\$34,500
Asphalt Concrete (Ton)	1100	\$45.00	\$49,500
Aggregate Base (Ton)	3600	\$25.00	\$90,000
Curb & Gutter (LF)	1000	\$15.00	\$15,000
Median Curb (LF)	0	\$18.00	\$0
Sidewalk (SF)	3800	\$3.00	\$11,400
Parkway Landscaping (SF)	7500	\$4.50	\$33,750
Landscaping (SF)	0	\$4.35	\$0
Electroliers	5	\$5,000.00	\$25,000
Signing and Striping (SF)	28500	\$0.10	\$2,850
Reconstr Priv. Imp's (LS)	4	\$10,000	\$40,000
Storm Drainage	1	LS	\$124,600
Relocate Power Poles (EA)	6	\$15,000	\$90,000
<b>Construction Total:</b>			<b>\$520,570</b>
35% Mark-up:			\$182,200
Right Of Way (ac)	0.03	\$350,000	\$10,500
Acquisition Cost	5	\$30,000	\$150,000
<b>Total:</b>			<b>\$863,270</b>
<b>Say:</b>			<b>\$863,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD004b

**Project Title:** Sylvan Avenue Widening

**Location:** Sylvan Avenue - Roselle to end of school Frontage - north side

**Revised:**

**Project Description:** Construct north half of road including median.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	97900	\$0.10	\$9,790
Remove Pavement (SY)	4500	\$2.50	\$11,250
Roadway Excavation (CY)	6400	\$15.00	\$96,000
Asphalt Concrete (Ton)	3100	\$45.00	\$139,500
Aggregate Base (Ton)	10000	\$25.00	\$250,000
Curb & Gutter (LF)	1500	\$15.00	\$22,500
Median Curb (LF)	2900	\$18.00	\$52,200
Sidewalk (SF)	6000	\$3.00	\$18,000
Parkway Landscaping (SF)	11900	\$4.50	\$53,550
Landscaping (SF)	19600	\$4.35	\$85,260
Electroliers	6	\$5,000.00	\$30,000
Signing and Striping (SF)	80100	\$0.10	\$8,010
Reconstr Priv. Imp's (LS)	0	\$10,000	\$0
Relocate Power Poles (EA)	1	\$15,000	\$15,000
<b>Construction Total:</b>			<b>\$791,060</b>
35% Mark-up:			\$276,871
Right Of Way (ac)	0.41	\$350,000	\$143,500
Acquisition Cost	4.00	\$30,000	\$120,000
<b>Total:</b>			<b>\$1,331,431</b>
<b>Say:</b>			<b>\$1,331,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD005  
**Project Title:** Sylvan Avenue Widening  
**Location:** Sylvan Avenue - Litt to Claus - North Side  
**Revised:**

**Project Description:** Construct north half of road including median.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	79400	\$0.10	\$7,940
Remove Pavement (SY)	5999	\$2.50	\$14,997
Roadway Excavation (CY)	4595	\$15.00	\$68,919
Asphalt Concrete (Ton)	2164	\$45.00	\$97,369
Aggregate Base (Ton)	7140	\$25.00	\$178,509
Curb & Gutter (LF)	1805	\$15.00	\$27,075
Median Curb (LF)	3610	\$18.00	\$64,980
Sidewalk (SF)	7220	\$3.00	\$21,660
Parkway Landscaping (SF)	14440	\$4.50	\$64,980
Landscaping (SF)	28720	\$4.35	\$124,932
Electroliers	7	\$5,000.00	\$35,083
Signing and Striping (SF)	57700	\$0.10	\$5,770
Reconstr Priv. Imp's (LS)	2	\$10,000	\$20,000
Storm Drainage (LS)	1	\$124,600	\$124,600
Relocate Power Poles (EA)	0	\$15,000	\$0
<b>Construction Total:</b>			<b>\$856,815</b>
35% Mark-up:			\$299,885
Right Of Way (ac)	0.82	\$350,000	\$287,000
Acquisition Cost	3	\$30,000	\$90,000
<b>Total:</b>			<b>\$1,533,700</b>
<b>Say:</b>			<b>\$1,534,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD007

**Project Title:** Floyd Avenue Widening

**Location:** Floyd Avenue - Oakdale to Roselle

**Revised:**

**Project Description:** Widen Floyd Avenue to four lanes plus bike lanes and parking.

**Project Status:**

**Project Notes:** Exist improvements on south side of road to remain.

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	240800	\$0.10	\$24,080
Remove Pavement (SY)	11300	\$2.50	\$28,250
Roadway Excavation (CY)	16400	\$15.00	\$246,000
Asphalt Concrete (Ton)	7900	\$45.00	\$355,500
Aggregate Base (Ton)	26000	\$25.00	\$650,000
Curb & Gutter (LF)	4100	\$15.00	\$61,500
Median Curb (LF)	8100	\$18.00	\$145,800
Sidewalk (SF)	16300	\$3.00	\$48,900
Parkway Landscaping (SF)	32500	\$4.50	\$146,250
Landscaping (SF)	44200	\$4.35	\$192,270
Electroliers	15	\$5,000.00	\$75,000
Signing and Striping (SF)	192000	\$0.10	\$19,200
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Storm Drainage (LS)	1	\$288,500	\$288,500
Relocate 17 Power Poles + 2 Steel Utility Poles	1	\$325,000	\$325,000
<b>Construction Total:</b>			<b>\$2,616,250</b>
35% Mark-up:			\$915,688
Right Of Way (ac)	5.02	\$150,000	\$753,000
Acquisition Cost	5	\$30,000	\$150,000
<b>Total:</b>			<b>\$4,434,938</b>
<b>Say:</b>			<b>\$4,435,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD008

**Project Title:** Floyd Avenue Widening

**Location:** Floyd Avenue - Roselle to Millbrook

**Revised:**

**Project Description:** Widen Floyd Avenue to four lanes.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	156600	\$0.10	\$15,660
Remove Pavement (SY)	4600	\$2.50	\$11,500
Roadway Excavation (CY)	5400	\$15.00	\$81,000
Asphalt Concrete (Ton)	2600	\$45.00	\$117,000
Aggregate Base (Ton)	8300	\$25.00	\$207,500
Curb & Gutter (LF)	2900	\$15.00	\$43,500
Median Curb (LF)	3500	\$18.00	\$63,000
Sidewalk (SF)	25600	\$3.00	\$76,800
Parkway Landscaping (SF)	64100	\$4.50	\$288,450
Landscaping (SF)	25000	\$4.35	\$108,750
Electroliers	11	\$5,000.00	\$55,000
Signing and Striping (SF)	66900	\$0.10	\$6,690
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Storm Drainage (LS)	1	\$126,500	\$126,500
Relocate Power Poles (EA)	9	\$15,000	\$135,000
<b>Construction Total:</b>			<b>\$1,346,350</b>
35% Mark-up:			\$471,223
Right Of Way (ac)	0.25	\$350,000	\$87,500
Acquisition Cost	7	\$30,000	\$210,000
<b>Total:</b>			<b>\$2,115,073</b>
<b>Say:</b>			<b>\$2,115,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD009

**Project Title:** Floyd Avenue Widening

**Location:** Floyd Avenue - Millbrook to Fine

**Revised:**

**Project Description:** Widen Floyd Avenue to four lanes.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	192800	\$0.10	\$19,280
Remove Pavement (SY)	19700	\$2.50	\$49,250
Roadway Excavation (CY)	7500	\$15.00	\$112,500
Asphalt Concrete (Ton)	3500	\$45.00	\$157,500
Aggregate Base (Ton)	11600	\$25.00	\$290,000
Curb & Gutter (LF)	3400	\$15.00	\$51,000
Median Curb (LF)	3300	\$18.00	\$59,400
Sidewalk (SF)	27100	\$3.00	\$81,300
Parkway Landscaping (SF)	72700	\$4.50	\$327,150
Landscaping (SF)	153600	\$4.35	\$668,160
Electroliers	13	\$5,000.00	\$65,000
Signing and Striping (SF)	93000	\$0.10	\$9,300
Reconstr Priv. Imp's (LS)	1	\$10,000	\$10,000
Storm Drainage (LS)	1	\$116,100	\$116,100
Relocate Power Poles (EA)	2	\$15,000	\$30,000
<b>Construction Total:</b>			<b>\$2,045,940</b>
35% Mark-up:			\$716,079
Right Of Way (ac)	0.15	\$350,000	\$52,500
Acquisition Cost	1	\$30,000	\$30,000
<b>Total:</b>			<b>\$2,844,519</b>
<b>Say:</b>			<b>\$2,845,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD010  
**Project Title:** Floyd Avenue Widening  
**Location:** Floyd Avenue - Fine to Claus  
**Revised:**

**Project Description:** Widen Floyd Avenue to four lanes.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	142400	\$0.10	\$14,240
Remove Pavement (SY)	3300	\$2.50	\$8,250
Roadway Excavation (CY)	5600	\$15.00	\$84,000
Asphalt Concrete (Ton)	2700	\$45.00	\$121,500
Aggregate Base (Ton)	8700	\$25.00	\$217,500
Curb & Gutter (LF)	2500	\$15.00	\$37,500
Median Curb (LF)	2300	\$18.00	\$41,400
Sidewalk (SF)	19600	\$3.00	\$58,800
Parkway Landscaping (SF)	52700	\$4.50	\$237,150
Landscaping (SF)	12500	\$4.35	\$54,375
Electroliers	10	\$5,000.00	\$50,000
Signing and Striping (SF)	70100	\$0.10	\$7,010
Reconstr Priv. Imp's (LS)	0	\$10,000	\$0
Storm Drainage (LS)	1	\$94,200	\$94,200
Relocate Power Poles (EA)	6	\$15,000	\$90,000
<b>Construction Total:</b>			<b>\$1,115,925</b>
35% Mark-up:			\$390,574
Right Of Way (ac)	2.29	\$350,000	\$801,500
Acquisition Cost	4.00	\$30,000	\$120,000
<b>Total:</b>			<b>\$2,427,999</b>
<b>Say:</b>			<b>\$2,428,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD012

**Project Title:** Oakdale Road Widening

**Location:**  
Oakdale Road - Floyd to Road G

**Revised:**

**Project Description:** Construct East side of Oakdale Road to provide 6 lanes of traffic.  
Construct median.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	63800	\$0.10	\$6,380
Remove Pavement (SY)	1600	\$2.50	\$4,000
Roadway Excavation (CY)	4000	\$15.00	\$60,000
Asphalt Concrete (Ton)	1900	\$45.00	\$85,500
Aggregate Base (Ton)	6200	\$25.00	\$155,000
Curb & Gutter (LF)	1200	\$15.00	\$18,000
Median Curb (LF)	2200	\$18.00	\$39,600
Sidewalk (SF)	4700	\$3.00	\$14,100
Parkway Landscaping (SF)	9400	\$4.50	\$42,300
Landscaping (SF)	14100	\$4.35	\$61,335
Electroliers	5	\$5,000.00	\$25,000
Signing and Striping (SF)	49800	\$0.10	\$4,980
Reconstr Priv. Imp's (LS)	1	\$127,000	\$127,000
Storm Drainage (LS)	1	\$55,250	\$55,250
Relocate Power Poles (EA)	0	\$15,000	\$0
<b>Construction Total:</b>			<b>\$698,445</b>
35% Mark-up:			\$244,456
Right Of Way (ac)	1.13	\$350,000	\$395,500
Acquisition Cost	1.00	\$30,000	\$30,000
<b>Total:</b>			<b>\$1,368,401</b>
<b>Say:</b>			<b>\$1,368,000</b>

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD013

**Project Title:** Oakdale Road Widening

**Location:**

Oakdale Road - Road G to Sylvan

**Revised:**

**Project Description:** Widen Oakdale to provide for 6 lanes of traffic and construct median improvements.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	52600	\$0.10	\$5,260
Remove Pavement (SY)	2000	\$2.50	\$5,000
Roadway Excavation (CY)	2800	\$15.00	\$42,000
Asphalt Concrete (Ton)	1300	\$45.00	\$58,500
Aggregate Base (Ton)	4300	\$25.00	\$107,500
Curb & Gutter (LF)	1700	\$15.00	\$25,500
Median Curb (LF)	2300	\$18.00	\$41,400
Sidewalk (SF)	13600	\$3.00	\$40,800
Parkway Landscaping (SF)	4700	\$4.50	\$21,150
Landscaping (SF)	17500	\$4.35	\$76,125
Electrolters	7	\$5,000.00	\$35,000
Signing and Striping (SF)	34400	\$0.10	\$3,440
Reconstr Priv. Imp's (LS)	0	\$10,000	\$0
Storm Drainage (LS)	1	\$81,250	\$81,250
Relocate Power Poles (EA)	5	\$15,000	\$75,000
<b>Construction Total:</b>			<b>\$617,925</b>
35% Mark-up:			\$216,274
Right Of Way (ac)	0.40	\$350,000	\$140,000
Acquisition Cost	6.00	\$30,000	\$180,000
<b>Total:</b>			<b>\$1,154,199</b>
<b>Say:</b>			<b>\$1,154,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD015

**Project Title:** Roselle Avenue Widening

**Location:** Roselle Avenue - Floyd to Sylvan

**Revised:**

**Project Description:** Widen Roselle Avenue to 4 lanes plus bike lanes.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	New Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	188300	\$0.10	\$18,830
Remove Pavement (SY)	7200	\$2.50	\$18,000
Roadway Excavation (CY)	11400	\$15.00	\$171,000
Asphalt Concrete (Ton)	5400	\$45.00	\$243,000
Aggregate Base (Ton)	17600	\$25.00	\$440,000
Curb & Gutter (LF)	3900	\$15.00	\$58,500
Median Curb (LF)	5700	\$18.00	\$102,600
Sidewalk (SF)	15500	\$3.00	\$46,500
Parkway Landscaping (SF)	30900	\$4.50	\$139,050
Landscaping (SF)	32400	\$4.35	\$140,940
Electroliers	14	\$5,000.00	\$70,000
Signing and Striping (SF)	142000	\$0.10	\$14,200
Reconstr Priv. Imp's (LS)	1	\$210,000	\$210,000
Storm Drainage (LS)	1	\$206,100	\$206,100
Relocate Power Poles (EA)	15	\$15,000	\$225,000
<b>Construction Total:</b>			<b>\$2,103,720</b>
35% Mark-up:			\$736,302
Right Of Way (ac)	0.57	\$350,000	\$199,500
Acquisition Cost	16.00	\$30,000	\$480,000
<b>Total:</b>			<b>\$3,519,522</b>
<b>Say:</b>			<b>\$3,520,000</b>

Updated November 2004

**City of Modesto  
CFD Fund  
Project Detail Sheet**

**Project Number:** CFD RD016  
**Project Title:** Widen Roselle Avenue  
**Location:** Roselle Avenue - North of Sylvan  
**Revised:**

**Project Description:** Widen Roselle Avenue to 4 lanes plus bike lanes.

**Project Status:**

**Project Notes:**

**NEW COST ESTIMATE:**

Item	Quantity	Original Cost Estimate	
		Unit Price	Total Cost
Clearing & Grubbing (SF)	94500	\$0.10	\$9,450
Remove Pavement (SY)	3600	\$2.50	\$9,000
Roadway Excavation (CY)	5500	\$15.00	\$82,500
Asphalt Concrete (Ton)	2600	\$45.00	\$117,000
Aggregate Base (Ton)	8600	\$25.00	\$215,000
Curb & Gutter (LF)	2200	\$15.00	\$33,000
Median Curb (LF)	2200	\$18.00	\$39,600
Sidewalk (SF)	8600	\$3.00	\$25,800
Parkway Landscaping (SF)	17200	\$4.50	\$77,400
Landscaping (SF)	16600	\$4.35	\$72,210
Electroliers	9	\$5,000.00	\$45,000
Signing and Striping (SF)	68800	\$0.10	\$6,880
Reconstr Priv. Imp's (LS)	1	\$425,000	\$425,000
Storm Drainage (LS)	1	\$66,100	\$66,100
Relocate Power Poles (EA)	16	\$15,000	\$240,000
<b>Construction Total:</b>			<b>\$1,463,940</b>
35% Mark-up:			\$512,379
Right Of Way (ac)	0.58	\$350,000	\$203,000
Acquisition Cost	7.00	\$30,000	\$210,000
		<b>Total:</b>	<b>\$2,389,319</b>
		<b>Say:</b>	<b>\$2,389,000</b>

Updated November 2004

Village One Storm Drainage Facilities-Cost Estimate updated November 2004

#	Description	Quantity	Unit	Unit Price	Extension	Comments
SD-201	West Basin fencing of lower tier	1,400	LF	\$20.00	\$28,000.00	(cost: Beyer Fence)
SD-202A	West Basin-90" RCP	410	LF	\$560.98	\$230,000.00	CDM Estimate
SD-202B	West Basin-48" RCP	50	LF	\$168.00	\$8,400.00	City unit cost
SD-202C	West Basin-78" RCP	570	LF	\$473.68	\$270,000.00	CDM Estimate
SD-202D	West Basin-northerly Inlet structure	1	LS	\$50,000.00	\$50,000.00	
SD-203A	West Basin-66" RCP	110	LF	\$231.00	\$25,410.00	City unit cost
SD-203B	West Basin-southerly inlet structure	1	LS	\$50,000.00	\$50,000.00	
SD-204	West Basin forebay, low flow channel, maintenance road and 30" pipe to pump station	1	LS	\$40,000.00	\$40,000.00	
SD-205	Hillglen Ave. 60" RCP from Roselle to Esta	1,570	LF	\$240.00	\$376,800.00	Pelandale 1B
SD-206	Central Basin inlet structures and energy dissipator	1	LS	\$80,000.00	\$80,000.00	
SD-207	Force Main from West Basin to Central Basin (24" PVC (C-905))	5,679	LF	\$137.14	\$778,818.06	CDM Estimate
SD-209	West Basin Pump Station	1	LS	\$376,000.00	\$376,000.00	CDM Estimate
SD-210A	Central Basin Pump Station	1	LS	\$270,000.00	\$270,000.00	CDM Estimate
SD-210B	Central Basin-force main to MID canal	1	LS	\$40,000.00	\$40,000.00	CDM Estimate
SD-210C	Central Basin-forebay, low flow channel, 30" pipe to pump station	1	LS	\$40,000.00	\$40,000.00	CDM Estimate
SD-210D	Central Basin-1000' maintenance access road	1	LS	\$42,000.00	\$42,000.00	CDM Estimate
SD-211	Central Basin property purchase-payback to storm drain fund	1	LS	\$634,750.00	\$634,750.00	11/5/96 Council Meeting
SD-212	30" RCP from Merle to Central Basin (C-107 to basin)	700	LF	\$105.00	\$73,500.00	City unit cost
SD-213	East Basin Property Acquisition	10	AC	\$150,000.00	\$1,500,000.00	
SD-214	Landscape West Basin per RHAA plan	278,000	SF	\$4.00	\$1,112,000.00	840x330 dual use basins (cost: Bob Ford)
SD-215	7 AC-ft retention basin on Grogan Park	1	LS	\$60,000.00	\$60,000.00	
SD-216	6 AC-ft retention basin on Merle Park	1	LS	\$50,000.00	\$50,000.00	
SD-217	36" RCP overflow line from Fine to Merle Park	1,200	LF	\$126.00	\$151,200.00	City unit cost
SD-218	24" RCP (C-165-C-109, CDM Report) Merle Park to Merle	800	LF	\$84.00	\$67,200.00	City unit cost
SD-219A	East Basin Construction	1	LS	\$3,500,000.00	\$3,500,000.00	
SD-219B	East Basin Landscaping	435,600	SF	\$4.00	\$1,742,400.00	10AC dual use (cost: Bob Ford)
SD-220	Claus Rd. trunk line from Floyd to East Basin (to be designed later)	4,000	LF	\$500.00	\$2,000,000.00	
SD-221	East Basin Pump Station	1	LS	\$400,000.00	\$400,000.00	
SD-222	Force Main from Central Basin to Claus Rd. line	1	LS	\$400,000.00	\$400,000.00	
SD-223	30" RCP (W-21 to W-22, CDM Report) Hillglen	850	LF	\$105.00	\$89,250.00	City unit cost
SD-224	36" RCP (W-107 to W-105, CDM Report) Kodiak	1,100	LF	\$126.00	\$138,600.00	City unit cost
SD-225	48" RCP (W-105 to W-101, CDM Report) Kodiak	1,600	LF	\$168.00	\$268,800.00	City unit cost
SD-227	42" RCP at Floyd & Fine	201	LF	\$150.00	\$30,150.00	City unit cost
SD-228	Merle Ave. -Central Basin frontage	1	LS	\$96,000.00	\$96,000.00	Dean-5-phase
SD-229	Force Main from East Basin to Claus Rd. line	1	LS	\$100,000.00	\$100,000.00	
SD-300	Bear Cub Lane, Kodiak Dr., Hillglen Ave.-West Basin & Ustach Park frontage	1	LS	\$899,000.00	\$899,000.00	includes 66" RCP, Low Bid-George Reed

**TOTAL:**

**\$16,018,278.06**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-683**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MODESTO CREATING TAX ZONE #2 IN COMMUNITY FACILITIES  
DISTRICT NO. 2004-1 (VILLAGE ONE #2), APPROVING AN INCREASE  
IN THE ONE-TIME FACILITIES SPECIAL TAX THEREIN, AND APPROVING  
UPDATES OF THE RATE AND METHOD OF APPORTIONMENT OF  
SPECIAL TAXES FOR THE DISTRICT**

WHEREAS, this Council has, pursuant to its Resolution No. 2004-127, “A Resolution of the City Council of the City of Modesto of Intention to Establish City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Authorize the Levy of Special Taxes Therein,” adopted on March 2, 2004, conducted proceedings for the formation of the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) pursuant to Chapter 3.5 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”); and

WHEREAS, following the approval of the special taxes by the qualified electors in the District, this Council, by its Ordinance No. 3345-C.S., “An Ordinance of the City Council of the City of Modesto Authorizing the Levy of Special Taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2),” adopted on April 27, 2004, authorized the levy of the special taxes; the special taxes being set forth in **Exhibit A** thereto (the “Rate and Method”); and

WHEREAS, the obligation to pay the special taxes has, pursuant to the Act, become a lien upon all nonexempt real property within the District as a result of the recordation, in the office of the Stanislaus County Recorder, of a Notice of Special Tax Lien to which the Rate and Method is attached as **Exhibit A**; and

WHEREAS, all parcels in the District upon its formation, as well as those parcels subsequently annexed into the District, being Annexation Nos. 1 through 5, have been assigned to Tax Zone #1, being the only Tax Zone currently in the District; and

WHEREAS, the Rate and Method, in Section C thereof and in the definition of “Tax Zone”, provides that additional Tax Zones may be created when property is annexed to the District; and

WHEREAS, additional annexations to the District are contemplated; and

WHEREAS, staff has provided its report to this Council that the “One-Time Facilities Special Tax”, as defined in the Rate and Method, needs to be increased due to an increase in the cost of the facilities to be financed by the One-Time Facilities Special Tax, such increase to be applicable to parcels annexed into the District subsequent to Annexation No. 5; and

WHEREAS, The One-Time Facilities Special Tax is not a special tax to pay for bond financed facilities; and

WHEREAS, this Council, having considered the staff report, wants to revise the “One-Time Facilities Special Tax” consistent with the report, and, in order to do so, wants to create within the District a Tax Zone #2 in which the increased One-Time Facilities Special Tax would be authorized to be levied; and

WHEREAS, the Rate and Method provides for the updating of Table 1 therein and Attachments 1 and 2 thereto to reflect annexations to the District, and staff has recommended that the Rate and Method be updated to reflect the parcels annexed to the District pursuant to Annexation Nos. 1 through 5; and

WHEREAS, staff has also submitted to this Council a revised Rate and Method, a copy of which is attached as Exhibit A hereto, in which the actions herein ordered have been incorporated; and

WHEREAS, the actions herein ordered will not increase the One-Time Facilities Special Tax on any parcels within the existing District, including those parcels annexed as a part of Annexation Nos. 1 through 5,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. It is in the public interest, and in the best interests of the landowners and other interested parties in the District, to preserve the special tax revenue stream in a manner which will enable this City to pay for the cost of the facilities and services authorized to be financed by the levy of the special taxes in the District. The facilities are those which this Council has determined are necessary to meet increased demands placed upon the City and other local agencies as a result of development occurring within the boundaries of the District; the services are those which this Council has determined are in addition to those services provided in the District before it was created and that are necessary to meet the demands placed upon the City and other local agencies as a result of such development.

SECTION 3. There is created a Tax Zone #2 within the District, in which the special taxes heretofore authorized to be levied within the District shall be levied, except that the One-Time Facilities Special Tax is authorized to be levied at the increased rate as set forth in Exhibit A;

SECTION 4. The revised Rate and Method, set forth in **Exhibit A**, in which Tax Zone #2 is created and for which the "One-Time Facilities Special Tax" is increased, is approved.

SECTION 5. The updates to Table 1 and Attachments 1 and 2 of the Rate and Method, to reflect the parcels annexed to the District pursuant to Annexation Nos. 1 through 5, have been made in accordance with the Rate and Method, and are approved.

SECTION 6. Any subsequent proceedings for the annexation of a parcel into the District shall incorporate the revisions to the Rate and Method hereby ordered and approved, and the Amendment to the Notice of Special Tax Lien, recorded pursuant to Section 3117.5 of the California Streets and Highways Code in connection with the annexation, shall identify the Tax Zone to which the Parcel has been assigned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

## APPENDIX B

### CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

#### UPDATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES ADDING TAX ZONE #2

Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2004-1 (Village One #2) [herein "CFD No. 2004-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2004-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2004-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City carrying out its duties with respect to CFD No. 2004-1 and the Bonds, including, but not limited to, levying and collecting the Special Taxes, the fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Taxes, costs associated with complying with any continuing disclosure requirements for the Bonds and the Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

**"Administrator"** means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**“Annual Facilities Special Tax”** means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below.

**“Annual Facilities Special Tax Requirement”** means the amount necessary in any Fiscal Year (i) to pay principal and interest, including scheduled sinking fund payments, on Bonds, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Maintenance Special Tax Requirement for the Fiscal Year, (iii) to create or replenish reserve funds, (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2004-1 which have occurred in the prior Fiscal Year or (based on delinquencies in the payment of the Annual Facilities Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) to construct or acquire Authorized Facilities. The amounts referred to in clauses (i) and (iii) of the preceding sentence may be reduced in any Fiscal Year by: (i) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to a Bond indenture, Bond resolution, or other legal document that sets forth these terms; (ii) proceeds received by CFD No. 2004-1 from the collection of penalties associated with delinquent Annual Facilities Special Taxes; and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

**“Annual Maintenance Special Tax”** means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

**“Annual Maintenance Special Tax Requirement”** means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Facilities Special Tax Requirement for the Fiscal Year, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

**“Assessor’s Parcel”** or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

**“Assessor’s Parcel Map”** means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

**“Authorized Facilities”** means those facilities that are authorized to be funded by CFD No. 2004-1.

**“Authorized Services”** means those services that are authorized to be funded by CFD No. 2004-1.

**“Bonds”** means bonds or other debt (as defined in the Act), whether in one or more series, issued, insured or assumed by CFD No. 2004-1 related to Authorized Facilities.

**“Capitalized Interest”** means funds in any capitalized interest account available to pay debt service on Bonds.

**“CFD Formation”** means the date on which the Resolution of Formation to form CFD No. 2004-1 was adopted by the City Council.

**“City”** means the City of Modesto.

**“City Council”** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2004-1.

**“Commercial Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a commercial building based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“County”** means the County of Stanislaus.

**“Developed Property”** means, in any Fiscal Year, the following:

*For purposes of levying the Annual Maintenance Special Tax, “Developed Property” means:*

- for Low Density Residential Property and Village Residential Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,
- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and
- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

*For purposes of levying the Annual Facilities Special Tax, “Developed Property” means:*

- for Low Density Residential Property and Village Residential Property, all Parcels for which a building permit for construction, or reconstruction of a unit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,
- for Multi-Family Attached Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and

- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

**“Expected Land Uses”** means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel in CFD No. 2004-1 based on reference to the Expected Land Use Map. The Expected Land Uses for each Original Parcel in the CFD at the time of CFD Formation, and the corresponding Maximum Special Tax for each Parcel, are reflected in Attachment 2, which will be updated with each annexation of property into CFD No. 2004-1.

**“Expected Land Use Map”** means the map entitled “Village One Zoning of Unvested Properties” and dated February 21, 2003, which is on file with the CFD Administrator at the City and the City Clerk and which identifies the Expected Land Uses on all Parcels within the Village One Specific Plan that either (i) are in CFD No. 2004-1 at CFD Formation, or (ii) may be annexed into the CFD in future Fiscal Years. The Expected Land Use Map may be updated in future years to add property within the Village One Specific Plan that was vested to develop when the map was prepared and, therefore, was not included in the map but subsequently has its vesting expire or for any other reason becomes subject to a condition of development that requires formation of, or annexation into, a CFD.

**“Final Map”** means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term “Final Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor’s Parcels that are designated as remainder parcels.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Improvement Area”** means a geographic area that, upon annexation into CFD No. 2004-1, is identified as an improvement area as defined in the Act instead of a Tax Zone, as defined below. Special Taxes collected within an Improvement Area will be the sole security for Bonds issued for that Improvement Area.

**“Industrial Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of an industrial building based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“Land Use Class”** means one of the five mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A. The City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation.

**“Low Density Residential Property”** means all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

**“Maximum Annual Facilities Special Tax”** means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Annual Maintenance Special Tax”** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum One-Time Facilities Special Tax”** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Special Taxes”** means, collectively, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

**“Multi-Family Property”** means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units. If a building permit has not yet been issued on the Parcel, the Administrator shall reference the Village One Specific Plan and/or the Parcel’s zoning designation to determine whether the Parcel is Multi-Family Property.

**“Net Taxable Acreage”** or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

**“One-Time Facilities Special Tax”** means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

**“Original Parcel”** means an Assessor’s Parcel in CFD No. 2004-1 at the time of CFD Formation or added to the CFD upon annexation, as identified in Attachment 2 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an

Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

**“Per-Acre Special Taxes”** means the per-acre Special Taxes identified in Table 1 in Section C below.

**“Proportionately”** means, for Developed Property, that the ratio of the actual Annual Facilities Special Tax and Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property, respectively. In addition, for Undeveloped Property, “Proportionately” means that the ratio of the actual Annual Facilities Special Tax and actual Annual Maintenance Facilities Special Tax to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax is equal for all Assessor’s Parcels of Undeveloped Property, respectively.

**“Public Property”** means any property within the boundaries of CFD No. 2004-1 that is owned by the federal government, State of California, County, City, or other public agency.

**“Single Family Detached Lot”** means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

**“Special Taxes”** means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**“Special Tax Category”** means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

**“Subdivision Map”** means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

**“Successor Parcel”** means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

**“Taxable Property”** means all of the Assessor’s Parcels within the boundaries of CFD No. 2004-1 which are not exempt from the Special Tax pursuant to law or Section G below.

**“Taxable Public Property”** means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2004-1 that, (i) based on the Village One Specific Plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

**“Tax Zone”** means a mutually exclusive geographic area within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment of Special Taxes. Attachment 1 identifies the boundaries of Tax Zone #1 and Tax Zone #2 as of the date of adoption of this updated

Rate and Method of Apportionment of Special Tax; additional Tax Zones may be created when property is annexed into the CFD. Alternatively, additional Original Parcels may be added to a Tax Zone with assigned Maximum Special Taxes based on the Expected Land Uses on each Original Parcel.

**“Tax Zone #1”** means the geographic area that is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #1. Tax Zone #1 may be expanded to include additional Original Parcels that annex to CFD No. 2004-1; Attachments 1 and 2 will be updated each time such an annexation takes place.

**“Tax Zone #2”** means the geographic area that is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #2. Tax Zone #2 may be expanded to include additional Original Parcels that annex to CFD No. 2004-1; Attachments 1 and 2 will be updated each time such an annexation takes place.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2004-1 that are not Developed Property.

**“Village One Specific Plan”** means the specific plan for development within the Village One project in the City of Modesto adopted by the City Council on April 1, 2003, as amended from time to time.

**“Village Residential Property”** means, in any Fiscal Year, all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel’s zoning designation.

## **B. DATA FOR ANNUAL ADMINISTRATION**

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property in CFD No. 2004-1. The Administrator shall also determine: (i) the Tax Zone within which each Parcel of Taxable Property is located, (ii) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) which Parcels are Commercial Property, Industrial Property, Multi-Family Property, Low Density Residential Property, and Village Residential Property (the City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation), (iv) the Net Taxable Acreage of each Parcel, and (v) the Annual Facilities Special Tax Requirement and the Annual Maintenance Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2004-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of

Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Original Parcel or Successor Parcel that was subdivided by recordation of the parcel map.

**C. CALCULATING MAXIMUM SPECIAL TAXES**

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in CFD No. 2004-1 in each Fiscal Year, including the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax. A separate method of calculating the Maximum Special Taxes may be identified for Tax Zones or Improvement Areas added to CFD No. 2004-1 as a result of future annexations. The Per-Acre Special Taxes set forth in Table 1 below shall be used for purposes of Sections C.1 and C.2 below:

**Table 1  
Per-Acre Special Taxes  
Fiscal Year 2004-05 \***

<b>Land Use Class</b>	<b>Per-Acre Special Tax: One-Time Facilities Special Tax TAX ZONE #1</b>	<b>Per-Acre Special Tax: One-Time Facilities Special Tax TAX ZONE #2</b>	<b>Per-Acre Special Tax: Annual Facilities Special Tax</b>	<b>Per-Acre Special Tax: Annual Maintenance Special Tax</b>
Low Density Residential Property	\$13,342 per Net Taxable Acre	\$19,576 per Net Taxable Acre	\$3,517 per Net Taxable Acre	\$525 per Net Taxable Acre
Village Residential Property	\$30,281 per Net Taxable Acre	\$44,429 per Net Taxable Acre	\$6,405 per Net Taxable Acre	\$1,233 per Net Taxable Acre
Multi-Family Property	\$101,437 per Net Taxable Acre	\$148,832 per Net Taxable Acre	\$7,222 per Net Taxable Acre	\$4,020 per Net Taxable Acre
Commercial Property	\$52,102 per Net Taxable Acre	\$76,446 per Net Taxable Acre	\$3,570 per Net Taxable Acre	\$920 per Net Taxable Acre
Industrial Property	\$13,103 per Net Taxable Acre	\$19,225 per Net Taxable Acre	\$2,550 per Net Taxable Acre	\$920 per Net Taxable Acre

*\* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.*

**1. Original Parcels**

The Maximum Special Taxes for each Land Use Class in the Original Parcels in CFD No. 2004-1 as of the date of adoption of this updated Rate and Method of Apportionment of Special Tax are identified in Attachment 2. Attachment 2 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to additional annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in

Attachment 2 (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to a Land Use Class that has higher Per-Acre Special Taxes, as shown in Table 1 above. Upon approval of such change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update Attachment 2 to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

**2. Successor Parcels**

**a. *All Successor Parcels are Single Family Detached Lots***

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

**Step 1:** Determine the greater of (i) the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property within the Subdivision Map multiplied by the Per-Acre Special Taxes for such Land Use Classes from Table 1 above. If the Subdivision Map includes both Low Density Residential Property and Village Residential Property, separately calculate the amount that applies to each Land Use Class.

**Step 2:** Separately for any Low Density Residential Property and Village Residential Property created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each Single Family Detached Lot.

**b. *No Successor Parcels are Single Family Detached Lots***

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

- Step 1:** Identify the Expected Land Uses for the Original Parcel.
- Step 2:** Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.
- Step 3:** If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.
- Step 4:** If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps separately for each Special Tax Category:

*Step 4a.* Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

*Step 4b.* If the amount calculated in Step 4a is *greater than* the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 above to determine the Maximum Special Tax for each Successor Parcel.

*Step 4c.* If the amount calculated in Step 4a is *less than* the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use

Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 above.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**c. *Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall (i) break out the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property separately from the Net Taxable Acreage of other Land Use Classes, (ii) for the Low Density Residential Property and/or Village Residential Property created by the Subdivision Map, apply the steps in Section C.2a to determine the Maximum Special Taxes for each Single Family Detached Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for Land Use Classes other than Low Density Residential Property and Village Residential Property.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.**

**D. ESCALATION OF MAXIMUM SPECIAL TAXES**

**1. One-Time Facilities Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

## **2. Annual Facilities Special Tax**

Beginning in Fiscal Year 2005-06, and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

## **3. Annual Maintenance Special Tax**

Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

## **E. METHOD OF LEVY OF THE SPECIAL TAX**

### **1. One-Time Facilities Special Tax**

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2004-1 and shall be collected as set forth in Section F below.

### **2. Annual Facilities Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year. The Annual Facilities Special Tax shall then be levied on all Parcels of Taxable Property in CFD No. 2004-1 as follows:

*Step 1:* The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Special Tax Requirement prior to applying any Capitalized Interest that is available in the CFD accounts;

*Step 2:* If additional revenue is needed after Step 1, and after applying Capitalized Interest to the Annual Facilities Special Tax Requirement, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's

Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

*Step 3:* If additional revenue is needed after applying the first two steps, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Facilities Special Tax assigned to each Parcel of Taxable Public Property.

### **3. Annual Maintenance Special Tax**

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

*Step 1:* The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

*Step 2:* If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

*Step 3:* If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

## **F. COLLECTION OF SPECIAL TAX**

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2004-1, and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax for CFD No. 2004-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall an Annual Facilities Special Tax be levied after Fiscal Year 2060-61. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services of the CFD and all Administrative Expenses have been reimbursed. Under no circumstances may the Annual Facilities Special Tax on one Parcel in the CFD be increased by more than ten percent (10%) as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels in the CFD.

#### **G. EXEMPTIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Taxes, no Special Taxes shall be levied on Public Property, except Taxable Public Property, as defined herein.

#### **H. PREPAYMENT OF SPECIAL TAX**

The following definitions apply to this Section H:

**“Outstanding Bonds”** means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

**“Previously Issued Bonds”** means all Bonds that have been issued on behalf of the CFD prior to the date of prepayment.

**“Public Facilities Requirements”** means either \$14,100,000 in 2004 dollars, which shall increase on January 1, 2005, and on each January 1 thereafter by the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or such other number as shall be determined by the City as sufficient to fund Authorized Facilities. The Public Facilities Requirements shown above shall be adjusted or a separate Public Facilities Requirements identified each time property annexes into CFD No. 2004-1; at no time shall the added Public Facilities Requirement for the annexation area exceed the amount of public

improvement costs that are expected to be supportable by the Maximum Annual Facilities Special Tax generated within that annexation area.

**“Remaining Facilities Costs”** means the Public Facilities Requirements (as defined above), minus costs of Authorized Facilities funded by Outstanding Bonds (as defined above), developer equity, and/or any other source of funding.

The Annual Facilities Special Tax obligation applicable to an Assessor’s Parcel in the CFD may be prepaid and the obligation of the Assessor’s Parcel to pay the Annual Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Annual Facilities Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor’s Parcel intending to prepay the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1.** Compute the total Maximum Annual Facilities Special Tax that could be collected from the Assessor’s Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2.** Divide the Maximum Annual Facilities Special Tax from Step 1 by the total amount that could be collected if the Maximum Annual Facilities Special Tax was levied on all Parcels of Taxable Property in the CFD.
- Step 3.** Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the “Bond Redemption Amount”*).
- Step 4.** Compute the current Remaining Facilities Costs (if any).

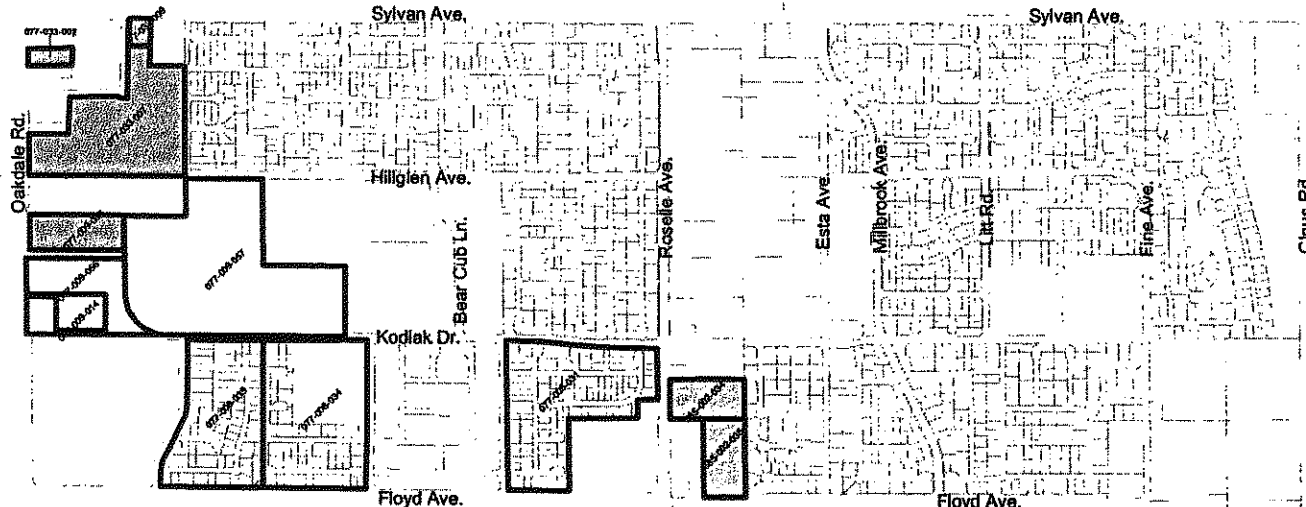
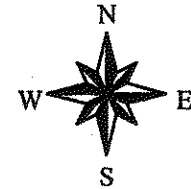
- Step 5.** Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (the "*Remaining Facilities Amount*").
- Step 6.** Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (the "*Redemption Premium*").
- Step 7.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds, which, depending on the Bond offering document, may be as early as the next interest payment date.
- Step 8:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (the "*Defeasance Requirement*").
- Step 10.** Determine the costs of computing the prepayment amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the "*Administrative Fees and Expenses*").
- Step 11.** If and to the extent so provided in the indenture pursuant to which the Outstanding Bonds to be redeemed were issued, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "*Reserve Fund Credit*").
- Step 12.** The Annual Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (the "*Prepayment Amount*").

If an owner that has prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original prepayment for the Parcel.







**I. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

ATTACHMENT 1  
 City of Modesto  
 Community Facilities District No. 2004-1  
 (Village One #2)  
 IDENTIFICATION OF TAX ZONES



**Tax Zone #1**

- |   |   |
|---|---|
|  CFD Formation  |  Annexation #3  |
| 077-033-007   | 085-013-067   |
| 077-033-009   | 085-013-069   |
| 085-034-080   |   |
|  Annexation #1 |  Annexation #4 |
| 085-002-034   | 077-033-002   |
| 085-002-035   | 085-007-018   |
|  Annexation #2 |  Annexation #5 |
| 077-008-031   | 077-009-055   |
| 077-008-034   |   |
| 077-008-035   |   |
| 077-009-014   |   |
| 077-009-056   |   |
| 077-009-057   |   |

**ATTACHMENT 2**

Last Updated: 11/4/04

**City of Modesto  
Community Facilities District No. 2004-1  
(Village One #2)**

**Maximum Special Taxes Assigned to Expected Land Uses  
Within Each Original Parcel in Each Tax Zone**

Annexation	Tax Zone	Assessor's Parcel Number	Expected Land Uses	Expected Net Taxable Acreage	Fiscal Year 2004-05 Maximum One-Time Facilities Special Tax/1	Fiscal Year 2004-05 Maximum Annual Facilities Special Tax/2	Fiscal Year 2004-05 Maximum Annual Maintenance Special Tax/3
F	1	077-033-007	Village Residential	16.23	\$491,461	\$103,953	\$20,012
			Commercial	3.24	\$168,810	\$11,567	\$2,981
F	1	077-033-009	Commercial	0.93	\$48,455	\$3,320	\$856
F	1	085-034-080	Village Residential	1.00	\$30,281	\$6,405	\$1,233
1	1	085-002-034	Multi Family	4.62	\$468,639	\$33,366	\$18,573
1	1	085-002-035	Multi Family	4.88	\$495,013	\$35,244	\$19,618
2	1	077-008-031	Village Residential	25.13	\$760,962	\$160,958	\$30,986
2	1	077-008-034	Village Residential	14.82	\$448,765	\$94,923	\$18,274
			Multi Family	10.60	\$1,075,233	\$76,554	\$42,612
2	1	077-008-035	Village Residential	21.03	\$636,810	\$134,698	\$25,930
2	1	077-009-014	Village Residential	2.83	\$85,696	\$18,127	\$3,490
2	1	077-009-056	Village Residential	9.85	\$298,268	\$63,090	\$12,146
2	1	077-009-057	Village Residential	38.97	\$1,180,051	\$249,603	\$48,051
3	1	085-013-067	Multi Family	0.57	\$57,819	\$4,117	\$2,291
3	1	085-013-069	Multi Family	0.57	\$57,819	\$4,117	\$2,291
4	1	077-033-002	Commercial	1.12	\$58,354	\$3,998	\$1,030
4	1	085-007-018	Village Residential	3.06	\$92,660	\$19,599	\$3,773
5	1	077-009-055	Village Residential	5.79	\$175,327	\$37,085	\$7,139

1. Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Beginning in Fiscal Year 2005-06 and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax shall escalate by 2.0% of the amount in effect in the prior Fiscal Year.

3. Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-684**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED  
PLANNED DEVELOPMENT ZONE P-PD(570), PROPERTY LOCATED SOUTH  
OF GLENN AVENUE AND EAST OF CROWS LANDING ROAD. (EAGLE  
VALLEY INVESTMENTS, INC.)**

WHEREAS, Larry Buehner Trust is the owner of approximately 20 acres of real property, located south of Glenn Avenue and east of Crows Landing Road; and

WHEREAS, a verified application for an amendment to Section 9-4-9 of the Zoning Map was filed by Eagle Valley Investments, Inc., on August 6, 2004, to prezone to Prezoned Planned Development Zone, P-PD(570), to allow for the development of industrial uses on property located south of Glenn Avenue, east of Crows Landing Road, as described in **Exhibit "A"** attached hereto ("Property"); and

WHEREAS, after a public hearing held on November 15, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, the Planning Commission of the City of Modesto recommends by its Resolution Nos. 2004-65A and 2004-65B that the City Council find and determines, that prezoning of the Property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed project will provide needed increase in the amount of industrial land available for development;
2. New industrial development on the site will provide new employment opportunities; and
3. New industrial development on the site will increase the City's tax base; and
4. The proposed prezoning will result in orderly planning and use of land resources because future industrial development on the site

will be consistent with the existing industrial area and provides the opportunity to take advantage of the existing Union Pacific Railroad line.

5. The proposed prezone is consistent with the Modesto Urban Area General Plan, because:
  - a. Industrial development on the site will be consistent with the Industrial designation in the Modesto Urban Area General Plan; and
  - b. The location of the Property immediately adjacent to the existing City limits and within the Sphere of Influence is consistent with Urban Growth Policy II.C.1.b., which states “Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services.”

WHEREAS, the Planning Commission further recommends the City Council amend Section 9-4-9 of the Zoning Map to prezone the Property to Planned Development, P-PD(570) in accordance with the following conditions:

1. Prior to the issuance of a building permit, development on the site will be subject to site plan and elevation review and approval by the Community and Economic Development Director or designee, in accordance with the site design standards in the Planned Development attached as Exhibit “C.” All development shall conform to the approved site plans and elevations.
2. Prior to the issuance of a building permit, applicant shall pay for a backup pump and generator for City of Modesto Tank No. 8 and the installation of the backup pump and generator to improve system reliability. Prior to issuance of a building permit, improvement plans and specifications for the backup pump and generator shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee.
3. Prior to issuance of a building permit, the applicant(s) shall be required to pay a mitigation impact fee for applicant’s proportional share of all costs associated with acquisition and/or condemnation of property and installation of street improvements and a traffic control device at the southeast

corner of the intersection of Crows Landing Road and Glenn Avenue, in an amount to be determined by the City Engineer.

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 14, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

NOW, THEREFORE, after said public hearing the Council found and determined that the application of Eagle Valley Investments, Inc., for a Planned Development Zone, P-PD(570) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution Nos. 2004-65A and 2004-65B and quoted above.

WHEREAS, the Council has introduced Ordinance No. 3376-C.S. on the 14<sup>th</sup> day of December, 2004, rezoning the above-described property to Prezoned Planned Development Zone, P-PD(570),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for the Prezoned Planned Development Zone, P-PD(570) is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, development on the site will be subject to site plan and elevation review and approval by the Community and Economic Development Director or designee, in accordance with the site design standards in the Planned Development attached as Exhibit "C." All development shall conform to the approved site plans and elevations.

2. Prior to the issuance of a building permit, a backup pump and generator will be provided for City of Modesto Tank #8 to improve system reliability to the satisfaction of the City Engineer.
3. Prior to issuance of a building permit, the applicant(s) will be asked to pay a mitigation impact fee for their proportional share of the improvement of the intersection of Crows Landing Road and Glenn Avenue.
4. The Vesting Tentative Subdivision Map application cannot proceed to Planning Commission until the annexation process is complete.
5. Prior to approval of the Vesting Tentative Subdivision Map or the issuance of any building permits, a storm drainage basin must be constructed that meets City standards and as approved by the Director Public Works.
6. The property is in Modesto Municipal Sewer District #1. Sewer service shall be taken from East Glenn Avenue.
7. Storm water quality and runoff from the site must be mitigated. The new development guidelines must be followed.
8. Improvement plans shall be prepared by a California-licensed civil engineer and in accordance with City of Modesto standards.

The following conditions of approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report:

9. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:
  - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively

controlled of fugitive dust emissions utilizing application of water or by presoaking.

- d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
  - e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
  - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
  - g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
  - h. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  - i. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
10. Plans and specifications for new stormwater facilities within the City of Modesto are reviewed and approved by the engineering and Transportation Department. Development of stormwater drainage facilities must be in compliance with the requirements for the installation of Best Management Practices (BMPs) as defined in the City's Comprehensive Stormwater Management Program (CSMP), and as outlined in the City of Modesto Design Standards for Dual Use Flood Control/Recreation Facilities, adopted December 12, 2000.
11. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed "rockwells." New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of appositve storm

drainage systems unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage. The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Master EIR. This policy applies to both positive storm drainage systems and to new rockwells (which are generally discouraged) in the Baseline Developed Area. (General Plan Policy V-E.2[a])

12. The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by the Urban Area General Plan. (General Plan Policy V-E.2[b])
13. The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and Environmental Protection Agency for underground injection. (General Plan Policy V-E.2[c])
14. Storm water drainage facilities shall be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development. (General Plan Policy V-E.2[d])
15. The California Environmental Protection Agency is authorized to endow qualifying local agencies with oversight and permitting responsibility for certain state programs. The Unified Program was created by state legislation in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:
  - a. Hazardous Materials Release Response Plans and Inventories (Business Plans)
  - b. California Accidental Release Prevention (CalARP) Program
  - c. UST Program
  - d. Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans
  - e. Hazardous Waste Generator and Onsite Hazardous Waste Treatments (tiered permitting) Programs
  - f. California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

16. Any construction which occurs as a result of the Urban Area General Plan must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology. (General Plan Policy VI.E.1[a])

SECTION 2. DEVELOPMENT SCHEDULE. The requirement for a development schedule as described in Section 10-2.1708 of the Modesto Municipal Code, is hereby waived.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until Ordinance No. 3376-C.S. rezoning the above-described property to Prezoned Planned Development P-PD(570) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: [Signature]  
Community & Economic Development Department  
Planning Division

**Exhibit "A"**

**LEGAL DESCRIPTION**

**EXHIBIT "A"**  
**Buehner Reorganization to the City of Modesto**

A portion of the southwest quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

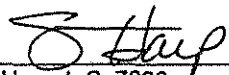
Commencing at the northeast corner of said southwest quarter of Section 9;

1. thence North 89°56'28" West along the north line of the said southwest quarter of Section 9, a distance of 25.00 to the west line of the Union Pacific Railroad Right-of-Way, the existing city limit line as described in the "Modesto Industrial Park Addition to the City of Modesto" and the TRUE POINT OF BEGINNING;
2. thence South 00°19'10" East along said west line of the Union Pacific Railroad and the existing city limit line, a distance of 672.54 feet;
3. thence North 89°52'25" West along the existing city limit line of the "Whitmore No. 1 Addition to the City of Modesto" and its westerly extension, a distance of 1297.95 feet;
4. North 00°11'33" West along the city limit of "Crows Landing Road Annexation to the City of Modesto", a distance of 671.00 feet;
5. thence South 89°56'28" East along north line of the southwest quarter of Section 9 and the existing city limit line of the "Modesto Industrial Park Addition to the City of Modesto", a distance of 1296.45 feet to the point of beginning.

Contains 20.00 acres, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.



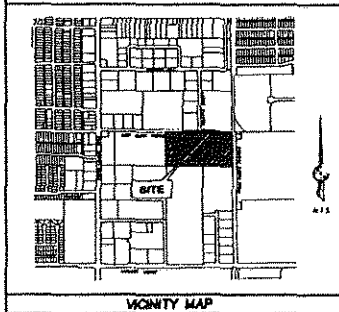
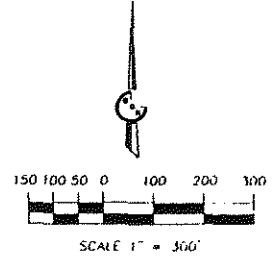
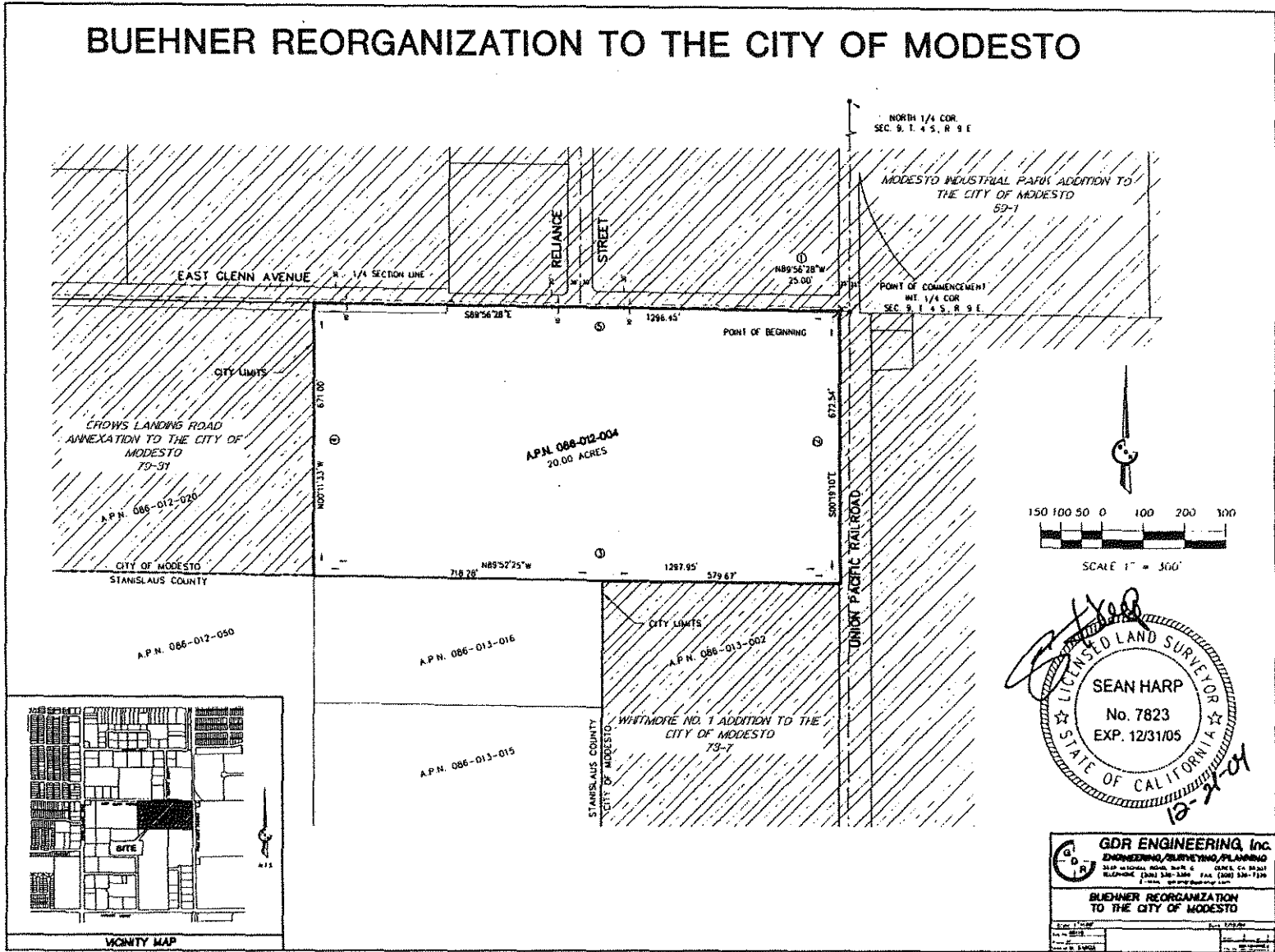
  
Sean Harp, L.S. 7823  
License Expires: 12/31/05

12-21-04  
Date

**Exhibit "B"**

**ANNEXATION PROPOSAL MAP**

# BUEHNER REORGANIZATION TO THE CITY OF MODESTO



**GDR ENGINEERING, Inc.**  
 ENGINEERING, SURVEYING, PLANNING  
 2100 WASHINGTON STREET, SUITE 400, MODESTO, CA 95351  
 TEL: (209) 526-1200 FAX: (209) 526-1204  
 E-MAIL: gdr@gdr-engineering.com

**BUEHNER REORGANIZATION TO THE CITY OF MODESTO**

DATE	10/21/04
BY	SEAN HARP
CHECKED BY	
SCALE	

**Exhibit "C"**

**PLANNED DEVELOPMENT SITE DESIGN STANDARDS**

## **Planned Development Design Standards**

### **Buehner Reorganization/Glenn Avenue**

#### **Authority and Purpose**

The Planned Development (PD) zone is described in Article 17 of the Modesto Municipal Code.

Development in this PD zone shall be subject to standards set forth in Articles 15 (M-2, Heavy Industrial), 17 (PD, Planned Development), 20 (Off-Street Parking Requirements), and 21 (Sign Regulations) of the City of Modesto Zoning Ordinance, unless specifically addressed herein. All off-site improvements are subject to applicable City standards and policies in effect at the time of submittal of improvement plans.

The purpose of this Planned Development is to achieve a higher quality development that will improve the look of industrial development in the City of Modesto and attract higher-quality businesses to industrial areas of the City.

#### **Design Standards**

No additional processing will be required. Approval of site plans and building elevations will be at the discretion of the Director of the Community and Economic Development Department, based on the design standards presented below, and will occur during the building plan review process. The development package submitted at the time a building permit is applied for must include a complete set of building elevations and a site plan.

##### For metal or wood frame buildings:

- Non-metallic base trim three feet in height shall be used along all portions of the main building visible from a public street. Base trim must be in a contrasting color to the body of the building. Trim may include brick, stone, tile, stucco, or other similar material.
- Roof trim must be at least two feet in height and must be of a color coordinating with the base trim. Roof trim should be designed to alter the bulk of the roof line. Neither a "belly band" nor paint stripes shall be considered roof trim.

##### For concrete buildings:

- Concrete masonry unit (CMU) walls shall be either integrally colored or textured and integrally colored. All other concrete masonry units shall be finished with a plaster base coat and a plaster finish coat. No painted block walls shall be permitted.
- Personal doors shall be accented with metal awnings to draw attention to entrances and provide some shelter from the weather. This shall not apply to personal doors used exclusively for emergency egress.
- Windows facing the street shall be accented with raised trim and/or awnings.

## **Other Development Standards**

- Buildings shall be set back no less than 20 feet from the front property line.
- At a minimum, half of the front setback area (10 feet) shall be landscaped.
- Whenever feasible, the portion of the building facing a public street shall "read" as the building front by locating personal entry doors and office windows on this side of the building.
- Outdoor storage areas shall be fenced and screened such that material stored outdoors is not visible from the street frontage.
- Unless stored inside a building, trash receptacles shall be located in an enclosure that is gated and locked at all times to prevent unauthorized dumping. Enclosures shall be constructed such that trash receptacles are not visible from outside the enclosure.

### Loading and Service Areas

- Truck loading and service areas shall be screened from view from a public street by plantings or berms.

### Mechanical Equipment Screening

Roof-mounted equipment, including, but not limited to, air conditioners, fans, and vents shall be set back from the roof edge, placed behind a parapet wall, or in a wall enclosure, so it is not visible from adjacent public streets. Screening equipment shall be integrated into the building and roof design by the use of compatible materials, colors, and forms. Wood lattice and fence-like coverings shall not be used as screening materials.

Ground-mounted equipment should be screened with landscaping. Large structures and/or equipment such as water tanks, silos, and large bins, should be screened by the main building from view from public streets.

### Storm Water Drainage Basin

- The storm water drainage basin must be enclosed with a concrete masonry wall which is covered with vines and other climbing plants to prevent graffiti or enclosed with a wrought iron fence accented with masonry pilasters (see Walls and Fences, below).
- The basin must be buffered from the street and sidewalk with a landscaped 20-foot setback from the front property line.

### Walls and Fences

Where used, walls shall complement the building design. Walls fronting a public street shall be concrete masonry unit, concrete, brick, or wrought iron with masonry pilasters. Along interior property lines, where not visible from a public street, chain link or wrought iron with masonry pilasters is acceptable.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-685**

**A RESOLUTION OF APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX 20 ACRES OF PROPERTY LOCATED SOUTH OF GLENN AVENUE AND EAST OF CROWS LANDING ROAD TO THE CITY OF MODESTO AND SEWER DISTRICT NO. 1 AND TO DETACH SAID PROPERTY FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT (OWNER INITIATED – UNINHABITED)**

WHEREAS, Larry Buehner Trust is the owner of approximately 20 acres of real property, located south of Glenn Avenue and east of Crows Landing Road (“Property”); and

WHEREAS, the City has received a written request from the applicant’s representative, Eagle Valley Investments, Inc., to initiate annexation of the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq; and

WHEREAS, Government Code Section 56650 provides that proceedings to initiate a change of organization to annex additional territory to a City may be initiated by Resolution of Application or Petition; and

WHEREAS, the Property proposed to be annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits “A” and “B”, attached hereto and by this reference incorporated herein; and

WHEREAS, the subject territory proposed to be annexed is within Stanislaus County, contiguous to the existing City limits and within the current Sphere of Influence of the City of Modesto, as adopted by Stanislaus Local Agency Formation Commission, Resolution No. 97-11, on December 19, 1994; and

WHEREAS, before an annexation application may be heard by LAFCO, there must be an agreement with the County providing for the sharing of property taxes following an annexation; and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996; and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, pursuant to Government Code Section 51200, et seq; and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

- (a) The annexation of said territory, as set forth on Exhibits "A" and "B" attached hereto, to the City of Modesto.
- (b) The annexation of said territory, as set forth on Exhibits "A" and "B" attached hereto, to the Modesto Sewer District No. 1.
- (c) The detachment of said territory from the Industrial Fire Protection District.

WHEREAS, the reasons for this proposed reorganization to the City of Modesto are as follows:

- (a) Staff has received a written request signed by the sole property owner, Larry Buehner Trust, to annex its property to the City of Modesto.
- (b) The proposed annexation is within the existing Sphere of Influence and is consistent with the Urban Area General Plan and can be most efficiently served by City services.
- (c) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services; and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "C", attached hereto and by this reference incorporated herein; and

WHEREAS, an Initial Study (Environmental Assessment No. EA/C&ED 2004-63) was prepared by the City of Modesto that analyzed whether the proposed subsequent

project may cause any significant effect on the environment that was not examined in the MEIR; and

WHEREAS, on December 14, 2004, at 5:30 p.m., in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California, the City Council held a duly noticed public hearing to consider the proposed Resolution of Application for annexation of the Property; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Modesto hereby finds and determines as follows:

1. That the proposed annexation and this Resolution of Application are consistent with the Modesto Urban Area General Plan, because they are consistent with General Plan Urban Growth Policy II.C.1.b., which states, "Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services," and because the development resulting from the proposed annexation is consistent with the General Plan.
2. The type of project under consideration is described in Chapter II of the MEIR and is within the scope of the MEIR (SCH No. 1999082041), which analyzed the potential impacts of build out of the Baseline Development Area.
3. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or have otherwise been made conditions of approval of the project.
4. That the proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
5. That no new or additional mitigation measures or alternatives are required.
6. The Initial Study, Environmental Assessment No. EA/C&ED 2004-63, provides the substantial evidence to support findings 2-5 above.
7. The Property proposed to be annexed to the City of Modesto is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits "A" and "B," attached hereto and by this reference incorporated herein.

8. The Property is located within Stanislaus County, is within the City's existing Sphere of Influence, is contiguous to the existing City limits and can be most efficiently served with City services.
9. The proposed annexation will result in planned, orderly, and efficient development of the area, and the most efficient provision of services.
10. An agreement for the sharing of property taxes for the Property was approved by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996.
11. The Property is not subject to a Williamson Act Contract pursuant to Government Code Section 51200, et seq.
12. The proposed annexation is within the scope of the Urban Area General Plan MEIR (SCH No. 1999082041) and has been adequately analyzed in the MEIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution of Application to annex the Property to the City of Modesto and Modesto Sewer District No. 1 and to detach the Property from the Industrial Fire Protection District.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that:

1. All owners of land within the affected Property have given their written consent to the reorganization and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council consent to waiver of conducting authority proceedings.
2. Pursuant to Government Code Section 56653, the City Council shall submit the plan for providing services as set forth in Exhibit "C," attached hereto and by this reference incorporated herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by

Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**Exhibit "A"**

**WRITTEN DESCRIPTION**

**EXHIBIT "A"**  
**Buehner Reorganization to the City of Modesto**

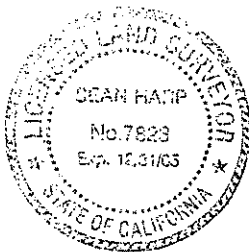
A portion of the southwest quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of said southwest quarter of Section 9;

1. thence North 89°56'28" West along the north line of the said southwest quarter of Section 9, a distance of 25.00 to the west line of the Union Pacific Railroad Right-of-Way, the existing city limit line as described in the "Modesto Industrial Park Addition to the City of Modesto" and the TRUE POINT OF BEGINNING;
2. thence South 00°19'10" East along said west line of the Union Pacific Railroad and the existing city limit line, a distance of 672.54 feet;
3. thence North 89°52'25" West along the existing city limit line of the "Whitmore No. 1 Addition to the City of Modesto" and its westerly extension, a distance of 1297.95 feet;
4. North 00°11'33" West along the city limit of "Crows Landing Road Annexation to the City of Modesto", a distance of 671.00 feet;
5. thence South 89°56'28" East along north line of the southwest quarter of Section 9 and the existing city limit line of the "Modesto Industrial Park Addition to the City of Modesto", a distance of 1296.45 feet to the point of beginning.

Contains 20.00 acres, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.



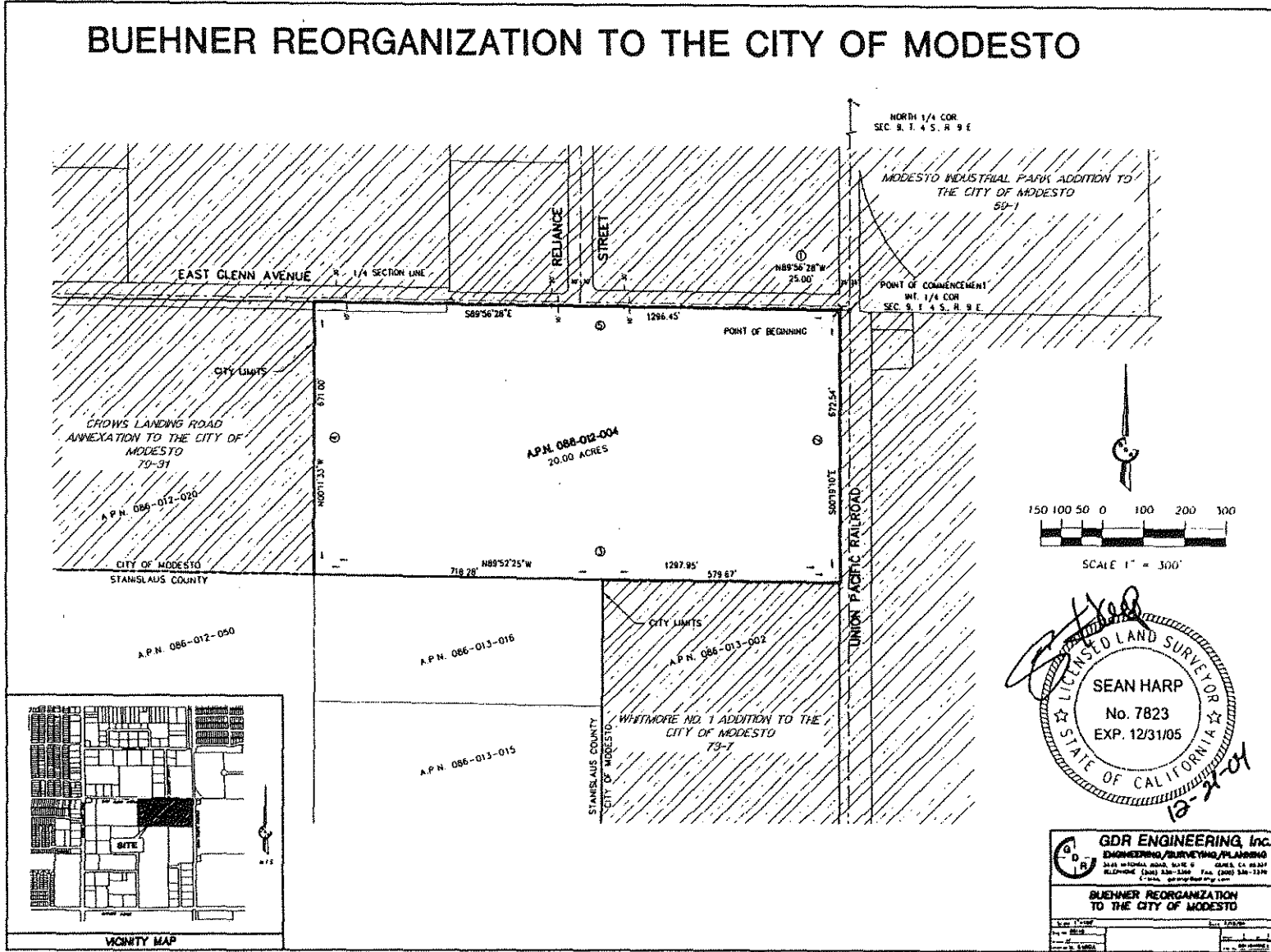
*Sean Harp*  
 Sean Harp, L.S. 7823  
 License Expires: 12/31/05

12-21-04  
 Date

**Exhibit "B"**

**ANNEXATION PROPOSAL MAP**

# BUEHNER REORGANIZATION TO THE CITY OF MODESTO



**Exhibit "C"**

**PLAN FOR SERVICE**



Consulting Engineers

## TECHNICAL MEMORANDUM

DATE: January 15, 2004 Project No.: 418-02-01

TO: Will Wong, City of Modesto

CC: Jack Bond, City of Modesto  
Craig Scott, City of Modesto

FROM: Gerry Nakano, Project Manager  
Charles Duncan, Project Engineer  
Carman Ng, Staff Engineer

SUBJECT: 414 East Glenn Avenue Fire Flow Comparison and Analysis

This Technical Memorandum summarizes the findings and conclusions of West Yost and Associates' (WYA) technical evaluation of the ability and reliability of the City of Modesto's (City) existing water distribution system to meet required minimum pressures and flows during an assumed high demand period plus fire flow condition, in the area of 414 East Glenn Avenue, in the South Modesto service area.

### BACKGROUND

A 20-acre industrial parcel located in the vicinity of 414 East Glenn Avenue (Project) is planning to be annexed into the City. The subject property is planning to be sub-divided into 20 individual parcels, each approximately 1 acre in size. On August 20, 2003 at 10:30 AM, the City's Fire Department performed a hydrant flow test at 414 East Glenn Avenue, and observed a flow of 1,126 gallons per minute (gpm) and a residual pressure of 45 pounds per square inch (psi) at the observed hydrant.

The City requested that WYA attempt to replicate the field-observed pressure and hydrant flow measurements using the September 2003 calibrated hydraulic water model of the City's water system. The City also requested that a hydraulic analysis be performed to evaluate whether the field-observed pressure and flow measurements could be sustained if a nearby City well or pump station were assumed to be non-operational. Figure 1 provides a schematic location of these facilities. An analysis of Project water demands, or water supply availability was not part of the City requested analysis.

## MODELING CRITERIA

The hydraulic modeling criteria used by WYA in the analysis of the City's existing water system are listed below:

- A demand of 131.5 million gallons per day as measured by the City's SCADA system on August 20, 2003 at 10:00 AM in Modesto (total within North and South Modesto), was replicated in the hydraulic simulation model. Individual SCADA flow data was also available for each of the City's groundwater supply wells.
- The September 2003 calibrated hydraulic model of the City's existing water system was used to evaluate the hydraulic conditions.

## ANALYSIS AND FINDINGS

The South Modesto portion of the City's September 2003 calibrated hydraulic model was modified to reflect the supply conditions according to SCADA information provided for August 20, 2003 at 10:00 AM. WYA then ran the hydraulic simulation model to determine resultant system pressures during a 1,126 gpm hydrant fire flow at the Project. Then to evaluate system reliability/redundancy, this analysis was re-run, assuming that the booster pump supplying water from Tank 8 into the distribution system was out of service.

### Hydrant Flow Test with Tank 8 Booster Pump Station Online

The hydraulic model simulation of a 1,126 gpm fire flow at the Project location produced a residual system pressure of approximately 41 psi (see Figure 2). This calculated system pressure was 4 psi lower than the pressure observed in the field. This model simulation result confirms the ability of the City's existing water distribution system to provide approximately 1,125 gpm at the Project at a pressure of  $\pm 40$  psi, if local wells 49, 100, 214, 217, and 284 are all operating at their design points, and the booster pump station at Tank 8 is in service.

### Hydrant Test with Tank 8 Booster Pump Station Out of Service

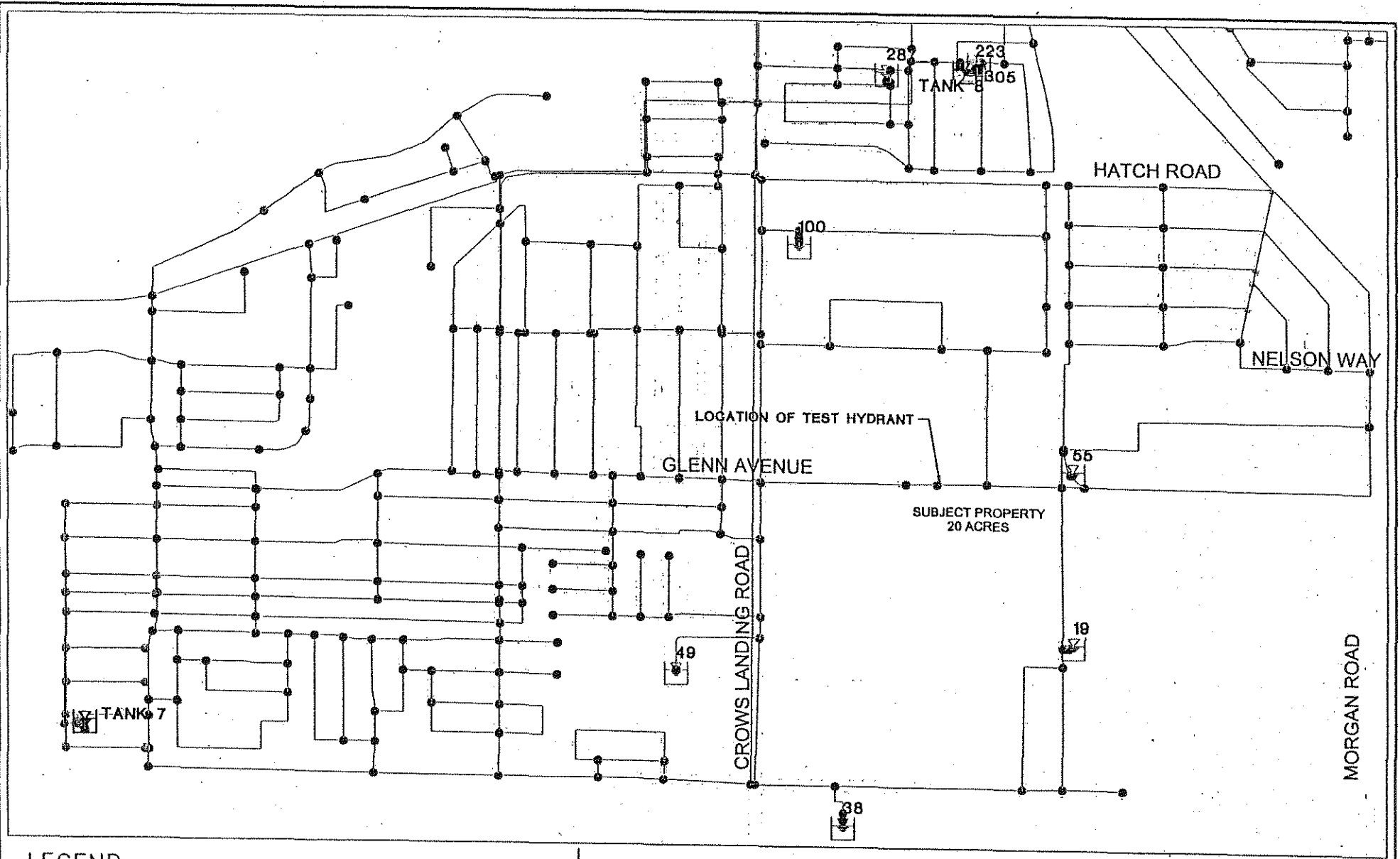
Hydraulic modeling indicates that if the pump station located at Tank 8 were to be taken out of service (for maintenance or other reasons), system pressures would fall significantly below the City's minimum 40 psi requirement, even with all available wells turned on. If the 1,126 gpm fire flow demand occurred during a time period when the Tank 8 booster pump station was out of service, pressures at the Project area would drop significantly (resultant system pressures would be less than 20 psi), indicating that there is inadequate supply to maintain pressures in the region (see Figure 3). It should also be noted that this area of the City has experienced groundwater supply reliability problems, due to chemical and/or radionuclides impacting the groundwater drinking supplies.

This result indicates that a redundant booster pump of the same size must be installed at Tank 8 to ensure system reliability, and the ability to maintain minimal pressures and flows during a loss of one of the pumps.

## CONCLUSION

Results from the September 2003 hydraulic model validated the field observations obtained during the hydrant flow test near 414 East Glenn Avenue by the City's Fire Department. In addition, the analysis indicated that a redundant pump at Tank 8 is necessary to be able to reliably maintain required system pressures and flows. Therefore, as a condition of annexation, we recommend that the Project's applicant be conditioned to provide funding for the installation of a redundant pump and associated appurtenances to connect this pump into the existing distribution system, at the Tank 8 reservoir site.

CAD FILE: J:\Engineering\418\02-01\Task 80 - Dr-cad Services\ Glenn Ave\TM\FIG01.dwg DATE: 01-18-04 4:00am



### LEGEND

- CITY TANK & PUMP STATION
- IN SERVICE CITY WELL
- OUT OF SERVICE CITY WELL
- PRESSURE LESS THAN 20 PSI
- PRESSURE BETWEEN 20 & 30 PSI
- PRESSURE BETWEEN 30 & 40 PSI
- PRESSURE BETWEEN 40 & 50 PSI
- PRESSURE BETWEEN 50 & 60 PSI
- PRESSURE HIGHER THAN 60 PSI

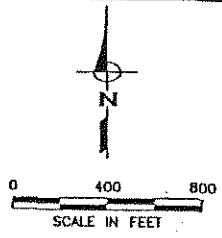
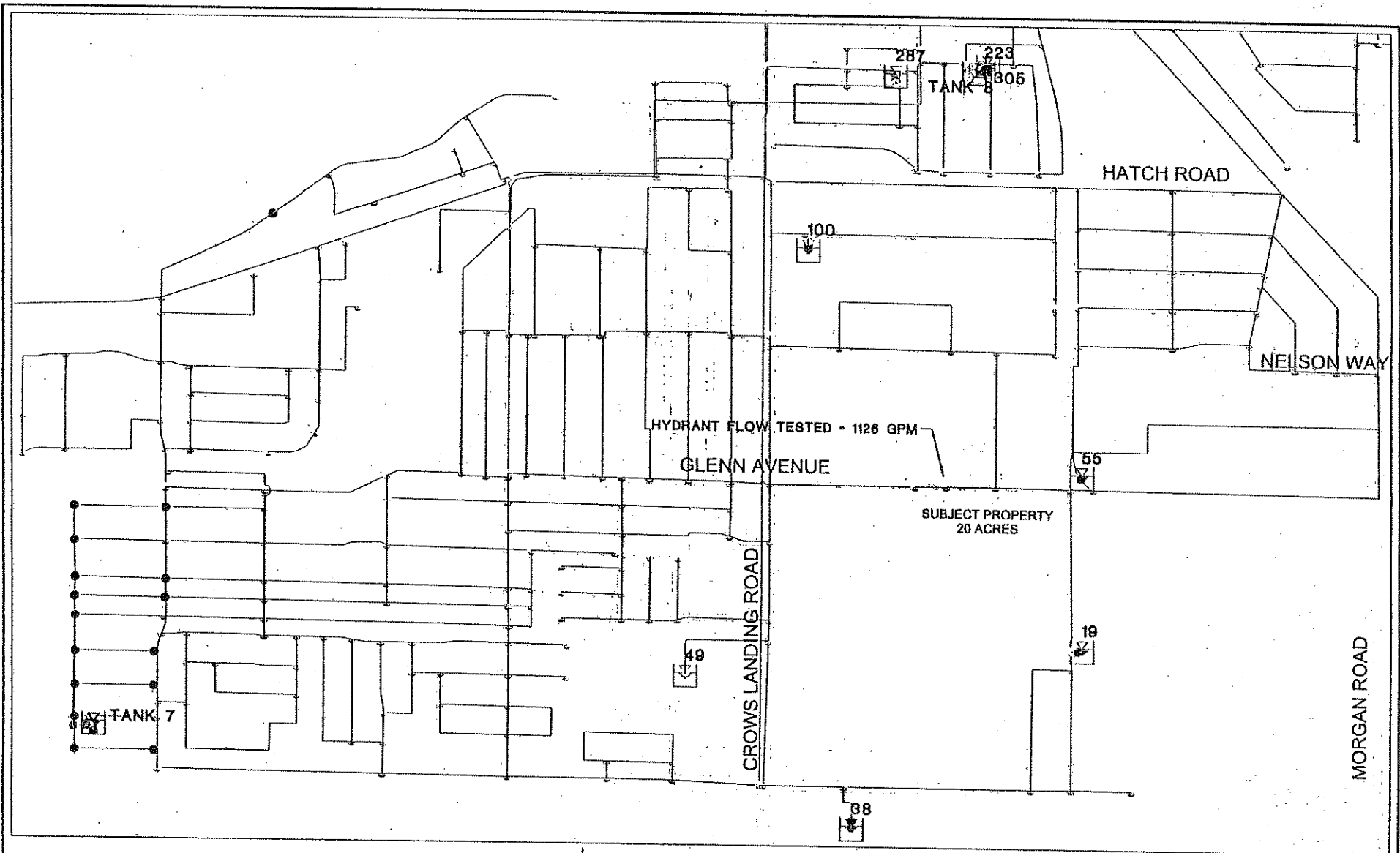


Figure 1

City of Modesto  
**GLENN AVENUE FLOW TEST**  
**LOCATION & STATIC PRESSURES**





**LEGEND**

- CITY TANK & PUMP STATION IN SERVICE CITY WELL
- OUT OF SERVICE CITY WELL
- PRESSURE LESS THAN 20 PSI
- PRESSURE BETWEEN 20 & 30 PSI
- PRESSURE BETWEEN 30 & 40 PSI
- PRESSURE BETWEEN 40 & 50 PSI
- PRESSURE BETWEEN 50 & 60 PSI
- PRESSURE HIGHER THAN 60 PSI

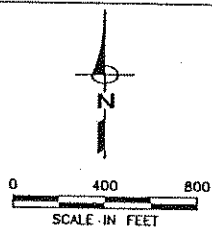


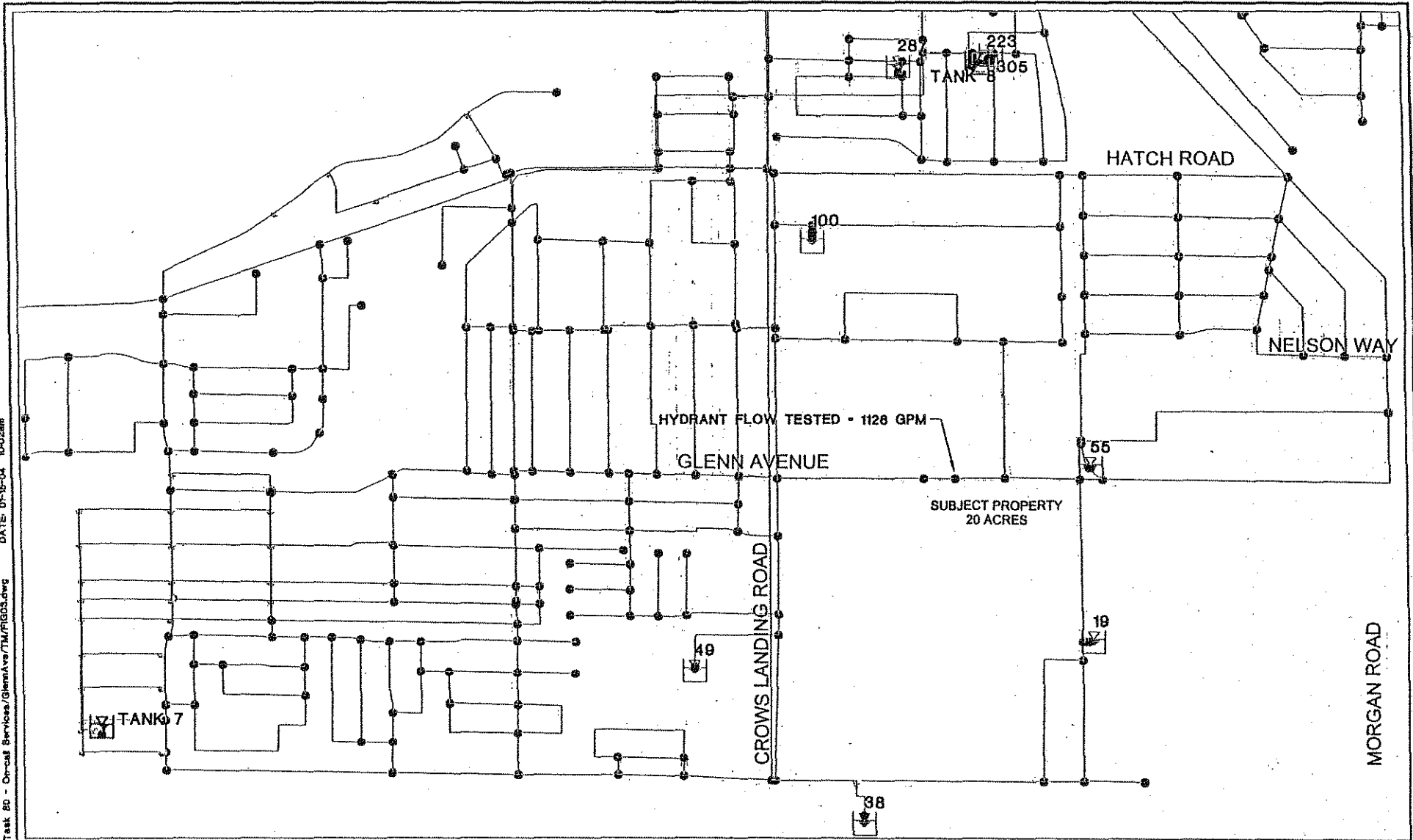
Figure 2

**City of Modesto  
GLENN AVE HYDRANT FLOW TEST  
RESIDUAL PRESSURES**



DATE: 01-15-04 10:02am

CAD FILE: J:\Engineering\18/02-01\Task 80 - Driscoll Services\GlennAve\TM\FIG03.dwg



### LEGEND

- CITY TANK & PUMP STATION
- IN SERVICE CITY WELL
- OUT OF SERVICE CITY WELL
- PRESSURE LESS THAN 20 PSI
- PRESSURE BETWEEN 20 & 30 PSI
- PRESSURE BETWEEN 30 & 40 PSI
- PRESSURE BETWEEN 40 & 50 PSI
- PRESSURE BETWEEN 50 & 60 PSI
- PRESSURE HIGHER THAN 60 PSI

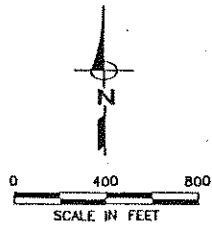


Figure 3

City of Modesto  
**GLENN AVE HYDRANT FLOW TEST**  
 RESIDUAL PRESSURES W/O TANK 8 PUMP STATION



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-686**

**A RESOLUTION FINDING THAT THE PREZONE TO PREZONED PLANNED DEVELOPMENT, P-PD (570), AND ANNEXATION TO THE CITY OF MODESTO AND MODESTO SEWER DISTRICT NO. 1 AND DETACHMENT FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT OF 20 ACRES OF PROPERTY LOCATED SOUTH OF GLENN AVENUE AND EAST OF CROWS LANDING ROAD IS WITHIN THE SCOPE OF THE URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH No. 1999082041)**

WHEREAS, on August 15, 1995, by Resolution No. 95-409, the City Council of the City of Modesto certified the Master Environmental Impact Report (“EIR”) for the Urban Area General Plan (SCH No. 1999082041); and

WHEREAS, on March 4, 2003, by Resolution No. 2003-122, the City Council of the City of Modesto certified the amendments to the Master EIR for the Urban Area General Plan (SCH No. 1999082041); and

WHEREAS, Larry Buehner Trust has filed an application requesting that the 20+/- acres of property located south of Glenn Avenue and east of Crows Landing Road (“Property”) be rezoned to Prezoned Planned Development, P-PD (570); and

WHEREAS, the City of Modesto proposes to prezone the Property as requested and adopt a Resolution of Application to the Stanislaus County Local Agency Formation Commission for a proposed reorganization to annex the Property to the City of Modesto and the Modesto Sewer District No.1 and to detach the Property from the Industrial Fire Protection District; and

WHEREAS, the proposed rezoning designation and the Resolution of Application are hereafter collectively referred to as “the Projects”, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the Initial Study EA/C&ED 2004-63 was considered by the City Council at a duly noticed public hearing which was held on December 14, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Projects, a copy of which it attached hereto as Exhibit "A" and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of Projects under consideration are described in Chapter II of the Master EIR.
2. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to The Projects or have otherwise been made conditions of approval of The Projects.
3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR. It has been determined that the project was described in the MEIR and is within the scope of the MEIR (SCH No. 1999082041), which analyzed the potential impacts of build out of the Baseline Developed Area.
4. Based on the Initial Study, the City of Modesto finds and determines:

- a. That the proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
  - b. That no new or additional mitigation measures or alternatives are required.
5. The Initial Study, Environmental Assessment No. EA/C&ED 2004-63, provides the substantial evidence to support findings 1 through 4, above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Exhibit "A"**

**INITIAL STUDY  
EA/C&ED 2004-63**

**City of Modesto**

**Finding of Conformance to  
General Plan Master EIR:**

**Initial Study C&ED No. 2004-63**

**For the proposed**

**Buehner Reorganization  
(Eagle Valley Investments, Inc., Applicant)**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**November 4, 2004**

# City of Modesto

## Master EIR Initial Study Checklist

### I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the **Buehner Reorganization** is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. No new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City's MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

### II. PROJECT DESCRIPTION

- A. Title: Buehner Reorganization
- B. Address or Location: South side of Glenn Avenue east of Crows Landing Road and adjacent to the west of the Union Pacific Railroad tracks.
- C. Applicant: Eagle Valley Investments, Inc., 801 S. 7<sup>th</sup> Street, Modesto, CA 95351
- D. Application Contact Person: Chann Eayrs

City Project Manager: Cindy van Empel, Senior Planner  
Department: Community & Economic Development Department  
Phone Number: (209) 577-5280

E-mail address: cvanempel@modestogov.com

E. Current General Plan Designation(s): I, Industrial

F. Current Zoning Classification(s): Stanislaus County has zoned the property M, Industrial

G. Surrounding Land Uses: West: vacant industrial land in the City  
North: vacant and built industrial land in the City  
East: Union Pacific Railroad tracks; east of the tracks is vacant and built industrial land within City limits  
Southeast: built industrial land in the City  
Southwest: vacant industrial land in the County

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The applicant seeks to annex the subject 20+/- acre parcel to the City of Modesto to allow more intensive development than would be permitted without public sewer and water connections. Prezone to PD, Planned Development are included as part of the application.

A Vesting Tentative Subdivision Map for the site has been filed with the Community and Economic Development Department. Because staff has an application for a Tentative Map, an evaluation of the Map is included in this Initial Study. However, the Tentative Map cannot be processed until after the project site is annexed and the zoning becomes effective. Additionally, there is inadequate information at this time to complete review of the Tentative Map. The City has requested the applicant prepare studies demonstrating the proposed storm drainage basin is adequate to serve the subdivision described by the Vesting Tentative Subdivision Map. Following annexation, rezoning, and receipt of complete drainage studies, the City will prepare an Initial Study to evaluate the potential impacts of development of this site.

A map of the site area is shown as Exhibit A and a map of the site is shown as Exhibit B.

I. Other Public Agencies Whose Approval is Required:

Local Agency Formation Commission

### III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

A. The type of project is described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

D. Based on the Initial Study, the City of Modesto finds and determines:

- a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
- b) No new or additional mitigation measures or alternatives are required.

2.      **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

A. The type of project is described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3.      **Focused EIR Required**- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:

A. The type of project is described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

*Cynthia Chapman Compel*  
Project Manager

*Senior Planner*  
Title

*4/20/04*  
Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

- |  | YES | NO                       |
|--|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.   | X   | <input type="checkbox"/> |
| (2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to this document. | X   | <input type="checkbox"/> |
| (3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).   | X   | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.   | X   | <input type="checkbox"/> |
| (5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.   | X   | <input type="checkbox"/> |
| (6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.   | X   | <input type="checkbox"/> |

#### Discussion:

- (1) The City of Modesto is the Lead Agency for processing the requested land use entitlements (i.e.: rezoning and annexation).
- (2) The subject project proposes improvements to an existing site located within the Baseline Developed Area. The site is a single parcel which is occupied by two mobile homes and various accessory buildings.
- (3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have resulted in less restrictive regulations.
- (4) The subject site, approximately 20 acres designated in the Urban Area General Plan as I (Industrial) and rezoned PD (Planned Development), is proposed to be annexed to the City of Modesto. After the application proposals were referred to Trustee Agencies, no significant resources are identified in this proposal
- (5) The subject area is located within the Modesto Urban Area General Plan in the Baseline Developed Area, as shown on Figure II-1 on page II-8 in the General Plan. All

appropriate mitigation measures as listed in the Master EIR and attached to this document are incorporated into the project.

- (6) A Global list of General Plan Policies and Mitigation Measures was reviewed (which is attached to this document) and appropriate Mitigation Measures will be required as part of the project's approval.

#### IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a Finding of Conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 build out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

#### 1. TRAFFIC AND CIRCULATION

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-6 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

The Master EIR for the Urban Area General Plan included the subject site. The annexation of property designated for industrial uses is consistent with the Master EIR. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. | <input type="checkbox"/> | X  |

Where a project exceeds an additional 100 ADT contribution, as compared to the analysis in the Master EIR, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering and Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

- |  | YES                      | NO |
|--|--------------------------|----|
| (2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). | <input type="checkbox"/> | X  |

- (3) Result in inadequate emergency access.  X
- (4) Result in inadequate parking capacity.  X

Discussion:

- (1) The project was referred to the Engineering and Transportation Division of the Public Works Department. Staff did not cite the need for a site access study.
- (2) The project was referred to the Engineering and Transportation Department and the Transportation Division commented that City's Standards Specifications require that the Glenn Avenue be dedicated and improved to full City Street Standards when development is approved for the site. Certain other street improvements will be established during review of the Vesting Tentative Subdivision Map.
- (3) The project was referred to the City of Modesto Police and Fire Departments. The City Fire Marshal and the Police Department indicated that those departments are able to provide adequate service to the site. When development is approved, specific conditions will be applied to that future development to ensure compliance with City development standards.
- (4) Annexation and rezoning will have no effect on parking in the area. Future development on the site will be required to comply with City standards for parking.

**2. AIR QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NO<sub>x</sub> levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 in the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

Construction impacts would be less than significant with implementation of Mitigation Measure Air-1 (page V-2-24 in the MEIR). No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines. | <input type="checkbox"/> | X  |
| (2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.   | <input type="checkbox"/> | X  |
| (3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (4) The project would expose sensitive receptors to substantial pollutant concentrations.  | <input type="checkbox"/> | X  |
| (5) The project would create objectionable odors affecting a substantial number of people.   | <input type="checkbox"/> | X  |

Discussion:

- (1-3) Annexation and rezoning of this property, designated for Industrial use, was anticipated in and is consistent with the Urban Area General Plan Master EIR. Future development of the site will occur following the approval of a Vesting Tentative Subdivision Map, which will also be subject to an Initial Study. Development projects must comply with Rules established by the San Joaquin Valley Unified Air Pollution Control District for reducing air quality impacts.
- (4) The site is designated for Industrial use and adjoins industrial property on all sides. The site is expected to be developed with industrial uses in the future, which may result in substantial air pollution, however, there are no sensitive receptors nearby.
- (5) The site is designated for Industrial use and adjoins industrial property on all sides. The site is expected to be developed with heavy industrial uses in the future, which may result in objectionable odors, however, there are no sensitive receptors nearby.

### 3. NOISE

#### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

#### b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-9 through V-3-15 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section IV, Mitigation Applied to Project.

#### Discussion:

Table V-3-3 indicates the normally acceptable outdoor noise level in an industrial area is 70dB CNEL. The project site is adjacent to a spur of the Union Pacific Railroad mainline that serves the industrial area. Due to the rail spur, a portion of the site lies within the 65dB L<sub>dn</sub> contour. Both CNEL and L<sub>dn</sub> are measures of noise that factor in use of a site during non-business (evening and nighttime) hours. However, because this is an Industrial site and because the greatest noise level expected on the site is 65dB L<sub>dn</sub>, no mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate conditions of approval that satisfy City development standards.

#### c. Project-Specific Effects

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.                               | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.                                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- (4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.  X

Discussion:

- (1) The acceptable outdoor noise level is 70dB CNEL and the site lies within the 65dB L<sub>dn</sub> noise contour, thus, no significant impact from noise would be expected on the project site.
- (2-3) The subject site is planned for Industrial use and is adjacent to properties planned for and developed with industry. No sensitive receptors are in the vicinity of the site. Future development on site is expected to be consistent with that on surrounding properties and is expected to result in a similar noise environment.
- (4) Although the project site lies in an industrial area, exterior noise levels could rise to unpleasant levels if more than one piece of construction equipment is operating simultaneously. In order to reduce the temporary noise impacts associated with construction, equipment should be equipped with mufflers, shrouds, and shields for noise reduction.

#### 4. AGRICULTURAL LANDS

##### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts related to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

##### b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-4 through V-4-8 in the MEIR.

Discussion:

The subject property is designated for Industrial use and is not in agricultural production. Further, the site is identified by the California Department of Conservation as Important Farmland on Figure V-4-1 in the MEIR. The project site is also shown as lying within the Baseline Developed Area, as shown on page II-8 in the Urban Area General Plan. Policy AL-

17 (MEIR, page V-4-7) states that if a subsequent project is within the Baseline Developed Area, the project is considered to have a minimal effect on the conversion of agricultural land and no mitigation is required. Thus, no new or additional mitigation measures or alternatives are required for the project.

**c. Project-Specific Effects**

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) The project will directly result in the development of land outside the March 2003 planning area boundaries.  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) The project will conflict with existing zoning for agricultural use, or a Williamson Act contract.  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) The project will involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- (1) The Modesto Urban Area General Plan designates the site as I, Industrial. No change in the Industrial designation is proposed. The prezone to PD is intended to establish site design standards, but the site would be developed with industrial uses.
- (2) The subject site is within the March, 2003, planning area boundary.
- (3) The site is not zoned for agriculture, nor is there a Williamson Act contract on the property.
- (4) The site is in the Baseline Developed Area, and, thus, is considered to have a minimal effect on the conversion of agricultural land.

**5. WATER SUPPLY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer overdraft. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies

and distribution facilities. It is assumed that any increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less than significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by 2020. Modesto will have a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-5.B of the MEIR provides analysis of Water Supply impacts on development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan. It is located in an area that is developed with industrial uses. The proposed annexation and prezone are consistent with the City's General Plan.

- (2) There is an adequate quantity of water to serve the industrial use expected to occur on the property. The site will be supplied from water held at a nearby water tank. However, the delivery system lacks adequate redundancy to ensure a consistent water supply. The applicant will be required to provide a backup pump and generator at the tank prior to the construction of any new buildings, which will provide the needed redundancy in the system (see Exhibits C & D).

## 6. SANITARY SEWER SERVICES

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a)(MEIR mitigation SS-1, page V-6-2). Implementing the WMP, requiring the implementation of Best Management Practices for post-construction activities, and Urban Area General Plan policy V-D.2(a), will avoid violation of wastewater discharge requirements. As a result, this impact would be less than significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under the Wastewater Master Plan MEIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-2 through V-6-7 of the MEIR. All feasible measures appropriate to the project are listed in Section IV, Mitigation Measures Applied to Project.

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan. It is located in an area that is developed with industrial uses. Annexation and rezoning of the site will result in ultimate development of the site consistent with the City's General Plan.
- (2) Annexation and rezoning of the site would be consistent with the existing Industrial designation on the site. A 30-inch sewer line lies adjacent to the project site in Glenn Avenue. Because industrial development typically creates small amounts of wastewater, Capital Planning staff has indicated that the wastewater treatment and conveyance system is adequate to serve the project.

**7. SENSITIVE WILDLIFE AND PLANT HABITAT**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less than significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-15 through V-7-21 of the MEIR. All feasible measures

appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

The project site lies outside the Biological Resource Study Area, shown on Figure V-7-1a in the MEIR. Therefore, no mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

**c. Project-Specific Effects**

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species. | <input type="checkbox"/> | X  |
| (3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.  | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. The annexation, prezone, and Vesting Tentative Subdivision Map are consistent with the City's General Plan.
- (2) The site lies outside the Biological Resource Study Area and there is no specific information known that would suggest the possible presence of significant plant or animal species on or near the project site.
- (3) See discussion above. In addition, there are no mature trees on the project site.

**8. ARCHAEOLOGICAL OR HISTORICAL SITES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. No impact would be expected to occur, since the buildings to be removed or demolished are not considered to have historical significance.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-8-9 through V-8-14 in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

The site proposed for annexation into the City of Modesto is currently occupied by two mobile homes and some accessory structures, but is otherwise vacant. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. The annexation, rezoning,

and Vesting Tentative Subdivision Map applications for this site are consistent with industrial uses anticipated by the Urban Area General Plan.

- (2) The MEIR did not identify a listed or eligible cultural resource either on or in the vicinity of the site, thus no impacts are expected to occur.

## 9. STORM DRAINAGE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less than significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-3 through V-9-8 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

#### Discussion:

Annexation and rezoning of the site will not directly result in development. Future development of the site will occur following approval of a Vesting Tentative Subdivision Map, prior to which the size of a storm drainage basin will be proposed and appropriate studies prepared. The 20-acre site is more than adequate to accommodate a storm drainage basin for future development; the future storm drainage basin must be sized and designed in accordance

with City standards. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

**c. Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site.  | <input type="checkbox"/> | X  |
| (3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. Annexation of the property to the City and rezoning it PD for industrial development are consistent with the City's General Plan.
- (2-3) The project does not include site development. However, the City has received an application for a Vesting Tentative Subdivision Map, which shows a lot intended to serve as a storm water drainage basin. However, the design of the Vesting Tentative Subdivision Map will be evaluated to determine the appropriate size of the drainage basin. An additional Initial Study will be prepared for the VTSM. Future development will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.

**10. FLOODING AND WATER QUALITY**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less than significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface water quality are considered less than significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water quality impacts to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-4 through V-10-10 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

As shown on Figure V-10-1b in the MEIR, the project site does not lie in an area having a potential for flooding. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

**c. Project-Specific Effects**

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act. | <input type="checkbox"/> | X  |
| (3) The project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.         | <input type="checkbox"/> | X  |

- (4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.  X

Discussion:

- (1) The subject site, designated Industrial in the Modesto Urban Area General Plan, is consistent with the City's General Plan and is located in an area that is developed with industrial uses.
- (2) Development on the site will be required to comply with the Clean Water Act and the Porter-Cologne Act. The City will require adherence to any Clean Water Act requirements it deems appropriate.
- (3) Future development on the site must comply with the City's Guidance Manual for New Development Storm Water Quality Control Measures. Compliance is ensured through review of building plans and building inspection.
- (4) The site will be developed to City standards with full street improvements along the project's Glenn Avenue frontage. The correct size of the storm water drainage basin will be verified by City staff when soils tests and percolation rates become available. The Vesting Tentative Subdivision Map will be reevaluated in an Initial Study prior to the public hearing.

## 11. PARKS AND OPEN SPACE

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less than significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less than significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and Open Space Mitigation Measure(s) pertinent to the proposed project are found on pages V-11-3 through V-11-9 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. All feasible measures appropriate to the project that will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
|   | YES                      | NO                                  |
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

- (1) The subject site is designated Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. The annexation and rezoning are consistent with the City's General Plan and future industrial development on the site is expected to be consistent, as well. Appropriate Capital Facility Fees, including parks fees, must be paid before any building permits can be issued. Fees applied to new development on the site will be those fees in effect at the time the Vesting Tentative Subdivision Map is approved.

**12. SCHOOLS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, eight middle schools, and seven high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that increased enrollment would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary.

Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-3 through V-12-7 in the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated Industrial in the Modesto Urban Area General Plan, with which the proposal is consistent. The site is located in an area that is developed with industrial uses.
- (2) Future development on the site will be required to comply with the provisions of SB 50/Proposition 1A and must pay schools fees in effect at the time the Vesting Tentative Subdivision Map is approved.

**13. POLICE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less than significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-2 through V-13-4 in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. Future development on the site is expected to be industrial and, therefore, consistent with the City's General Plan.
- (2) The Police Department's ideal ratio of officers to residents is 1.85 per 1,000, although the current ratio is approximately 1.3 per 1,000. The Modesto Police Department has indicated that it has the ability to provide adequate service to the project site.

**14. FIRE SERVICES**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less than significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less than significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study.

Fire Services mitigation measure(s) pertinent to the proposed project are found on pages V-14-2 through V-14-5 of the MEIR. All feasible measures appropriate to the project that will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. The annexation and rezoning, as well as the expected future industrial development are consistent with the City's General Plan.

- (2) The Modesto Fire Department currently provides fire protection to the project site by contract. The site must detach from the contract area as part of annexation; the Fire Department has indicated that it can provide adequate service to the subject site. Future development on the site will be required to meet all City Fire safety requirements.

**15. SOLID WASTE**

**a. Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less than significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Solid Waste Mitigation Measure(s) pertinent to the proposed project are found on pages V-15-3 through V-15-6 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated Industrial in the Modesto Urban Area General Plan. The site is located in an area that is developed with industrial uses. The annexation and rezoning and expected future industrial development are consistent with the City's General Plan.
- (2) This project was referred to the Solid Waste Division of the City's Department of Public Works, which had no comment regarding this project's impact on solid waste disposal capacity.

## 16. HAZARDOUS MATERIALS

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less than significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under Federal, State, and County policies and regulations and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to this document.

Hazardous Materials Mitigation Measures pertinent to the project being analyzed in this Initial Study are found on pages V-16-5 through V-16-12 in the MEIR. Because the property is planned for industrial uses, it is possible that future property owners or building tenants may have hazardous materials on site. Mitigation measures from the MEIR will be applied to the Vesting Tentative Subdivision Map to ensure compliance with all appropriate regulations. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

Actions to approve the annexation, rezoning, and Vesting Tentative Subdivision Map do not require mitigation measures for hazardous materials, as these approvals do not generate hazardous materials. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts due to development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project does not comply with all applicable Federal, State, and County standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.                                | <input type="checkbox"/> | X  |
| (3) The project contains a contaminated site not identified as of March 2003.   | <input type="checkbox"/> | X  |
| (4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.  | <input type="checkbox"/> | X  |
| (5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. The project and future industrial development expected to occur on the site is consistent with the City's General Plan.
- (2) Because the property is planned for industrial uses, it is possible that future property owners or building tenants may have hazardous materials on site. The Vesting Tentative Subdivision Map will be conditioned ensure that any hazardous materials used on site are properly identified, handled, and stored.
- (3-5) The City's Final Master Environmental Impact Report lists hazardous materials sites and this project is not near any of those sites. Additionally, the property lies more than ¼ mile from the nearest school.

## 17. LANDSLIDES AND SEISMIC ACTIVITY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-5 through V-17-7 in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation measures pertinent to the project are found on pages V-17-5 through V-16-12 in the MEIR. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**c. Project-Specific Effects**

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   | YES                      | NO |
|---|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.   | <input type="checkbox"/> | X  |
| (2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area that is developed with industrial uses. The annexation, prezone, and Vesting Tentative Subdivision Map are consistent with the City's General Plan.
- (2) According to the MEIR's physical description of the General Plan study area, the site is not located in area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

## 18. ENERGY

### a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

### b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

#### Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards

### c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- |   |                          |    |
|---|--------------------------|----|
|   | YES                      | NO |
| (1) The project is inconsistent with the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |

#### Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan. It is located in an area that is developed with industrial uses. The annexation, prezone, and Tentative Map are consistent with the City's General Plan.

Parking areas that will eventually be created to serve future development will be required to contain shade trees as required in the Modesto Municipal Code. Enforcement will occur through site plan review when building permits are applied for.

## 19. PLANNING AND LAND USE

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

### a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.                | <input type="checkbox"/> | X  |
| (2) The project includes a substantive amendment to the Modesto Urban Area General Plan. | <input type="checkbox"/> | X  |
| (3) The project would physically divide an established community.                        | <input type="checkbox"/> | X  |

#### Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area developed with industrial uses. Annexation is consistent with expansion of the City described in the General Plan. The site is proposed to be rezoned to PD, Planned Development, which is intended to establish design standards for the site. Industrial uses consistent with the Industrial designation would be developed on the property.
- (2) The project involves annexation to the City consistent with expansion of the City anticipated in the General Plan. No amendment to the Modesto Urban Area General Plan is proposed.
- (3) The project is an expansion of an existing industrial area; no community will be divided as part of this proposal.

## 20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

- |  | YES                      | NO |
|--|--------------------------|----|
| (1) The project is inconsistent with the Modesto Urban Area General Plan.  | <input type="checkbox"/> | X  |
| (2) The project would have a substantial adverse effect on a scenic vista.   | <input type="checkbox"/> | X  |
| (3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.             | <input type="checkbox"/> | X  |
| (4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. | <input type="checkbox"/> | X  |

Discussion:

- (1) The subject site is designated as Industrial in the Modesto Urban Area General Plan and is located in an area developed with industrial uses. Annexation would have no effect on aesthetics, however, the proposed Planned Development zone would establish design criteria for new industrial development in order to improve the overall quality of physical development in the area.
- (2-4) The project is located within an established industrial area and there are no scenic vistas of or from the area. The expansion of the existing school is consistent with the type of development in the area.

**V. MITIGATION MEASURES APPLIED TO THE PROJECT**

**A. Master EIR Mitigation Measures Applied to the Project**

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

Traffic and Circulation Measures:

**Mitigation Measure TC-6 (page V-1-7 of the MEIR)**

Road Objective 3: Develop a roadway system that supports efficient goods movement within and through the region.

Policy 3A: Ensure that local transportation design standards and land use planning anticipate the infrastructure and operational needs of trucks, rail, and air transportation.

Policy 3B: Promote the use of analytical techniques to identify goods movement-related transportation deficiencies and to evaluate the potential benefits of transportation improvement projects.

### Air Quality Measures:

#### Mitigation Measure Air-1: PM10 Control Measures (page V-2-24 of the MEIR)

1. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:
  - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
  - e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
  - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
  - g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
  - h. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  - i. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

### Noise Measures:

None

**Agricultural Land Measures:**

None

**Water Supply Measures:**

None

**Sanitary Sewer Service Measures:**

None

**Sensitive Wildlife and Plant Habitat Measures:**

None

**Archaeological or Historic Sites Measures:**

None

**Storm Drainage Measures:**

**Mitigation Measure SD-4 (page V-9-4 of the MEIR)**

Plans and specifications for new stormwater facilities within the City of Modesto are reviewed and approved by the engineering and Transportation Department. Development of stormwater drainage facilities must be in compliance with the requirements for the installation of Best Management Practices (BMPs) as defined in the City's Comprehensive Stormwater Management Program (CSMP), and as outlined in the City of Modesto Design Standards for Dual Use Flood Control/Recreation Facilities, adopted December 12, 2000.

**Mitigation Measure SD-5 (page V-9-4 of the MEIR)**

Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed "rockwells." New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of appositive storm drainage systems unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Master EIR. This policy applies to both positive storm drainage systems and to new rockwells (which are generally discouraged) in the Baseline Developed Area. (General Plan Policy V-E.2[a])

**Mitigation Measure SD-6 (page V-9-4 of the MEIR)**

The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by the Urban Area General Plan. (General Plan Policy V-E.2[b])

**Mitigation Measure SD-7 (page V-9-4 of the MEIR)**

The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and Environmental Protection Agency for underground injection. (General Plan Policy V-E.2[c])

**Mitigation Measure SD-8 (page V-9-4 of the MEIR)**

Storm water drainage facilities shall be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development. (General Plan Policy V-E.2[d])

**Flooding and Water Quality Measures:**

None

**Parks and Open Space Measures:**

None

**Schools Measures:**

None

**Police Services:**

None

**Fire Services:**

None

**Generation of Solid Waste**

None

**Generation of Hazardous Materials**

**Mitigation Measure HM-3 (page V-16-5 of the MEIR)**

Hazardous Materials Release Response Plans and Inventory Act of 1985.

The Hazardous Materials Release Response Plans and Inventory Act (Section 25500 et seq. of the Health and Safety Code, also known as the Business Plan Act), requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories materials and sets of emergency response plans, and training programs. Hazardous materials are defined as raw or unused materials that are part of a process

or manufacturing step, and they are not considered hazardous wastes. Health concerns pertaining to the release of hazardous materials, however, are similar to those relating to hazardous wastes. Often, the facilities subject to this act also generate hazardous wastes. Reports are filed with the county. The required plan also informs emergency responders of hazardous materials.

#### **Mitigation Measure HM-10 (page V-16-7 of the MEIR)**

The California Environmental Protection Agency is authorized to endow qualifying local agencies with oversight and permitting responsibility for certain state programs. The Unified Program was created by state legislation in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:

- a. Hazardous Materials Release Response Plans and Inventories (Business Plans)
- b. California Accidental Release Prevention (CalARP) Program
- c. UST Program
- d. Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans
- e. Hazardous Waste Generator and Onsite Hazardous Waste Treatments (tiered permitting) Programs
- f. California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

#### **Mitigation Measure HM-12 (page V-16-8 of the MEIR)**

Stanislaus County is Certified Unified Program Agency authorized to administer a number of state programs at the local level. It regulates hazardous materials within its incorporated (including Modesto) and unincorporated areas. The County's role includes the following (Stanislaus County 2002):

1. Implement Risk Management and Prevention laws to minimize chemical releases in the community.
2. Maintain hazardous materials response team to assist police and fire agencies during transportation and industrial accidents involving chemical spills.
3. Prepare and implement county's Area Plan for emergency response to chemical spills in the community.
4. Permit and inspect removal of USTs.
5. Permit and monitor new USTs.
6. Oversee site investigation for soil and ground water contamination and clean-up.
7. Inspect hazardous waste generators.
8. Review procedures for storage, treatment and disposal of hazardous wastes.
9. Prepare and implement the county Hazardous Waste Management Plan.
10. Develop and implement the county Household Hazardous Waste collection program.
11. Inspect medical facilities to ensure compliance with state medical waste management laws.
12. Implement hazardous materials disclosure laws (business plans) to ensure access to information about chemicals handled by businesses.

### **Mitigation Measure HM-13 (page V-16-9 of the MEIR)**

The City shall comply with all existing federal and state laws, which regulate the generation, transportation, storage, and disposal of hazardous materials (General Plan Policy V-M.2[a]).

### **Potential for Landslides and Seismic Activity**

#### **Mitigation Measure LSA-9 (page V-17-6 of the MEIR)**

The City shall continue to require all new buildings in the City to be built under the seismic requirements of the Uniform Building Code, 1979 (or subsequent) edition. (General Plan Policy VI-B.2[b])

#### **Mitigation Measure LSA-11 (page V-17-7 of the MEIR)**

Any construction which occurs as a result of the Urban Area General Plan must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology. (General Plan Policy VI.E.1[a])

### **Energy**

None

### **Planning and Land Use**

None

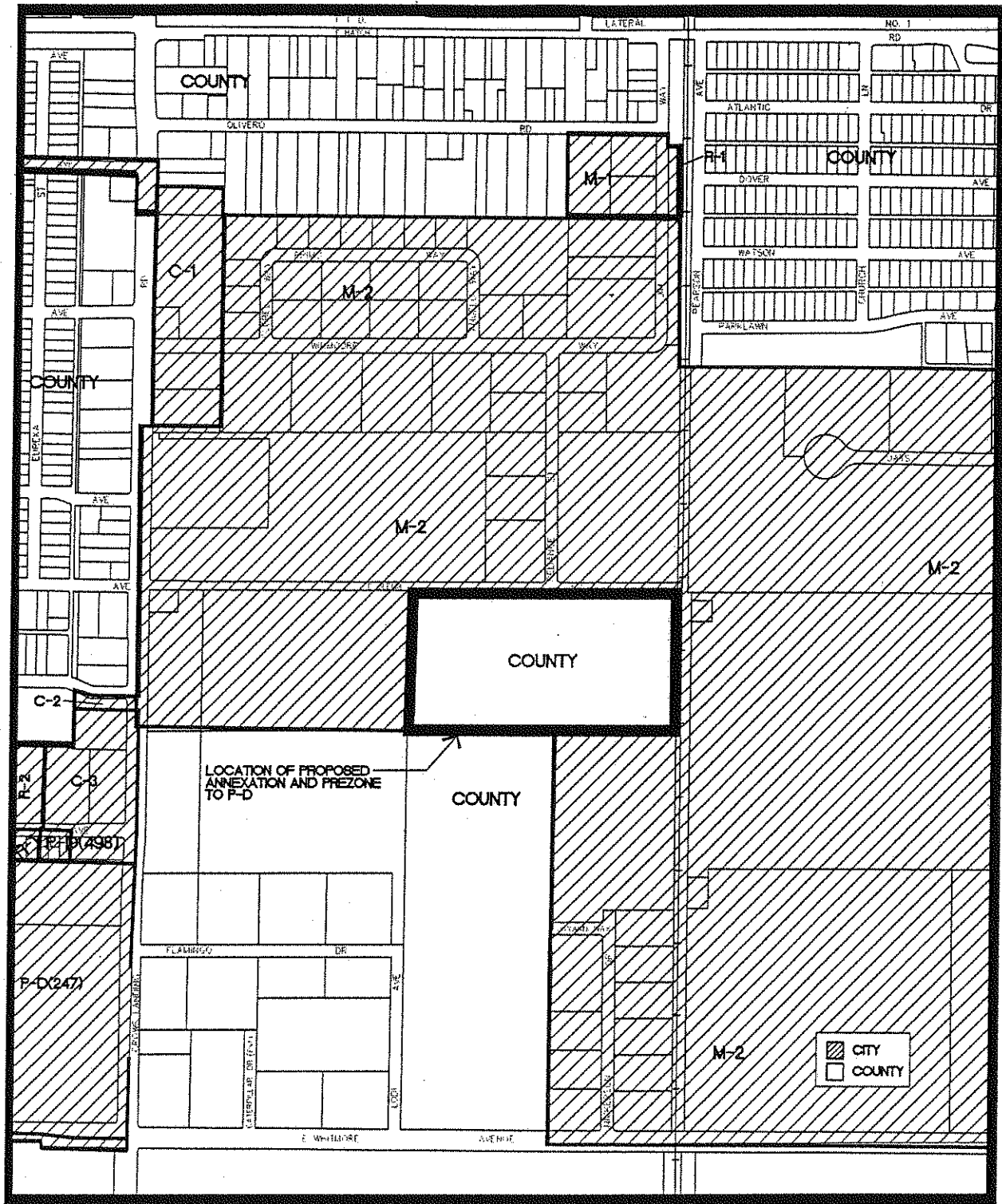
### **Aesthetics**

None

## **B. Recommended Conditions of Project Approval**

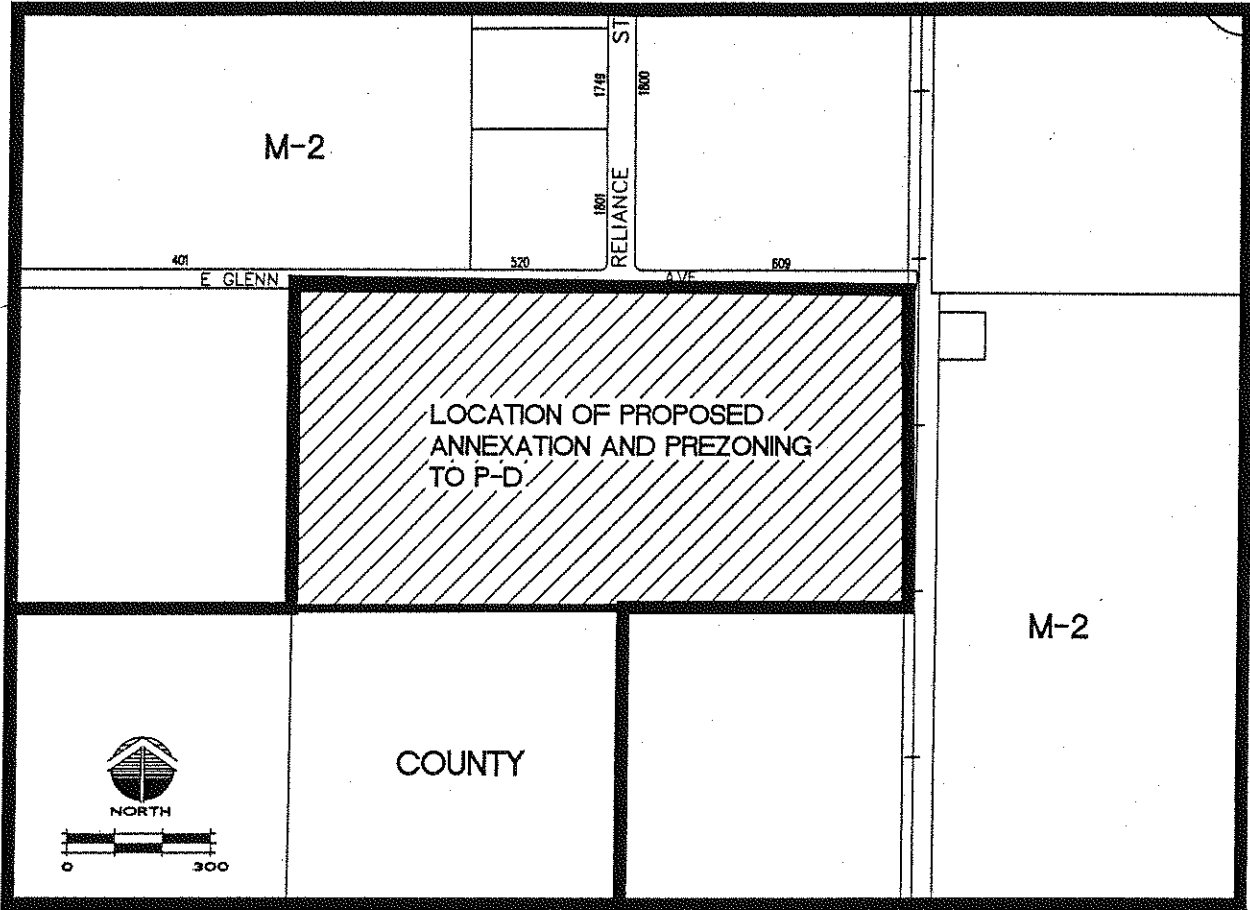
1. The Vesting Tentative Subdivision Map application cannot proceed to Planning Commission until the annexation process is complete.
2. Coordinate with the City Attorney's office an agreement to assess this parcel's share of the acquisition and improvement of the southeast corner of Glenn Avenue and Crows Landing Road. There is an existing agreement with the Agrestis and Buzz Oates Construction for this acquisition and cost sharing. As this parcel will contribute traffic to that intersection, this parcel should share in the cost of acquiring and improving that corner.

3. Prior to approval of the Vesting Tentative Subdivision Map or the issuance of any building permits, a storm drainage basin must be constructed that meets City standards and as approved by the Director of Public Works.
4. The property is in Modesto Municipal Sewer District #1. Sewer service shall be taken from East Glenn Avenue.
5. Prior to any development on the property, the property owner shall provide an additional booster pump and generator at City Tank #8.
6. Storm water quality and runoff from the site must be mitigated. The new development guidelines must be followed.
7. Improvement plans shall be prepared by a California-licensed civil engineer and in accordance with City of Modesto standards.



AREA MAP OF PROPOSED  
ANNEXATION AND PREZONING TO P-D





TECHNICAL MEMORANDUM

DATE: January 15, 2004 Project No.: 418-02-01

TO: Will Wong, City of Modesto

CC: Jack Bond, City of Modesto  
Craig Scott, City of Modesto

FROM: Gerry Nakano, Project Manager  
Charles Duncan, Project Engineer  
Carman Ng, Staff Engineer

SUBJECT: 414 East Glenn Avenue Fire Flow Comparison and Analysis

This Technical Memorandum summarizes the findings and conclusions of West Yost and Associates' (WYA) technical evaluation of the ability and reliability of the City of Modesto's (City) existing water distribution system to meet required minimum pressures and flows during an assumed high demand period plus fire flow condition, in the area of 414 East Glenn Avenue, in the South Modesto service area.

BACKGROUND

A 20-acre industrial parcel located in the vicinity of 414 East Glenn Avenue (Project) is planning to be annexed into the City. The subject property is planning to be sub-divided into 20 individual parcels, each approximately 1 acre in size. On August 20, 2003 at 10:30 AM, the City's Fire Department performed a hydrant flow test at 414 East Glenn Avenue, and observed a flow of 1,126 gallons per minute (gpm) and a residual pressure of 45 pounds per square inch (psi) at the observed hydrant.

The City requested that WYA attempt to replicate the field-observed pressure and hydrant flow measurements using the September 2003 calibrated hydraulic water model of the City's water system. The City also requested that a hydraulic analysis be performed to evaluate whether the field-observed pressure and flow measurements could be sustained if a nearby City well or pump station were assumed to be non-operational. Figure 1 provides a schematic location of these facilities. An analysis of Project water demands, or water supply availability was not part of the City requested analysis.

## MODELING CRITERIA

The hydraulic modeling criteria used by WYA in the analysis of the City's existing water system are listed below:

- A demand of 131.5 million gallons per day as measured by the City's SCADA system on August 20, 2003 at 10:00 AM in Modesto (total within North and South Modesto), was replicated in the hydraulic simulation model. Individual SCADA flow data was also available for each of the City's groundwater supply wells.
- The September 2003 calibrated hydraulic model of the City's existing water system was used to evaluate the hydraulic conditions.

## ANALYSIS AND FINDINGS

The South Modesto portion of the City's September 2003 calibrated hydraulic model was modified to reflect the supply conditions according to SCADA information provided for August 20, 2003 at 10:00 AM. WYA then ran the hydraulic simulation model to determine resultant system pressures during a 1,126 gpm hydrant fire flow at the Project. Then to evaluate system reliability/redundancy, this analysis was re-run, assuming that the booster pump supplying water from Tank 8 into the distribution system was out of service.

### Hydrant Flow Test with Tank 8 Booster Pump Station Online

The hydraulic model simulation of a 1,126 gpm fire flow at the Project location produced a residual system pressure of approximately 41 psi (see Figure 2). This calculated system pressure was 4 psi lower than the pressure observed in the field. This model simulation result confirms the ability of the City's existing water distribution system to provide approximately 1,125 gpm at the Project at a pressure of  $\pm 40$  psi, if local wells 49, 100, 214, 217, and 284 are all operating at their design points, and the booster pump station at Tank 8 is in service.

### Hydrant Test with Tank 8 Booster Pump Station Out of Service

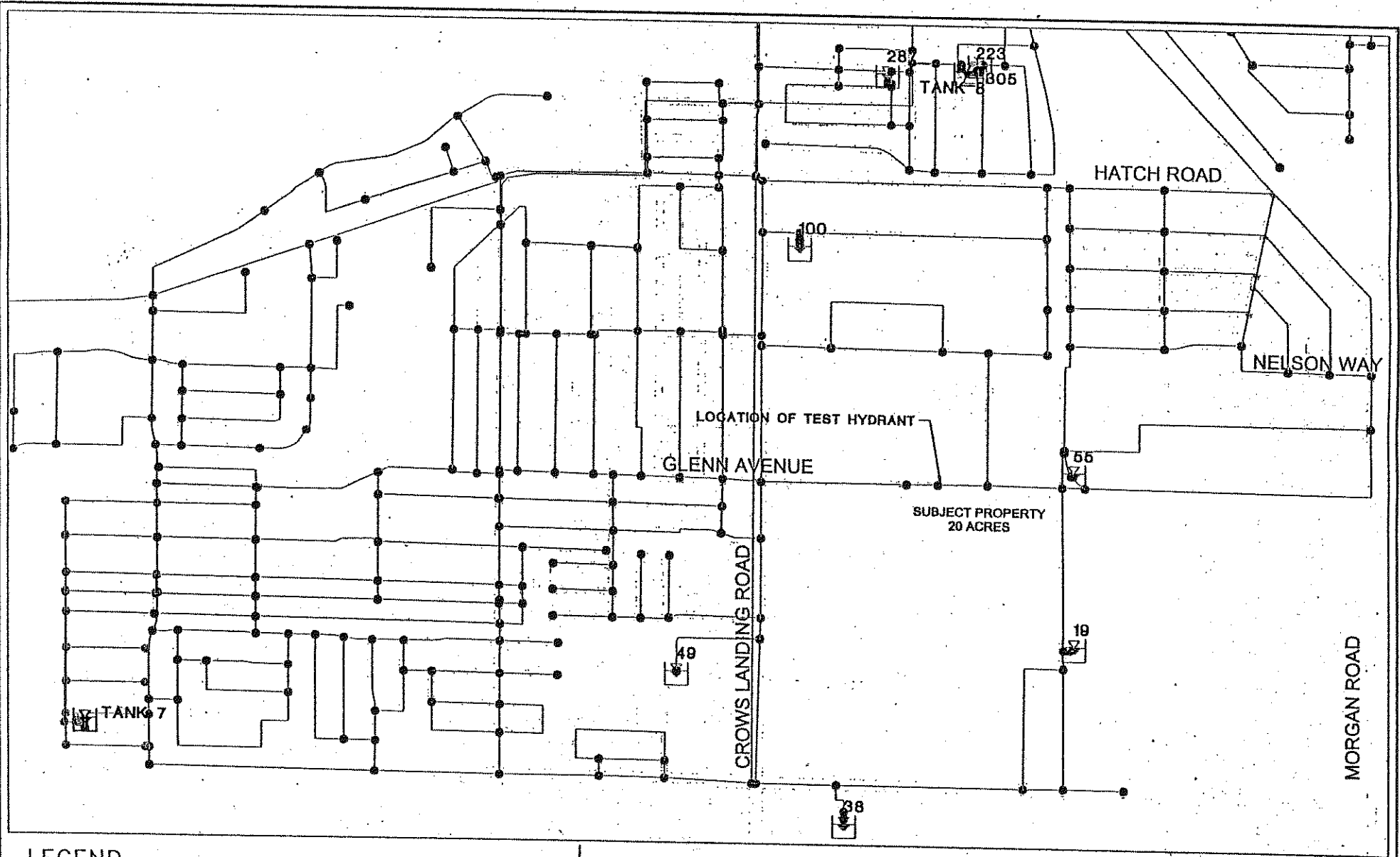
Hydraulic modeling indicates that if the pump station located at Tank 8 were to be taken out of service (for maintenance or other reasons), system pressures would fall significantly below the City's minimum 40 psi requirement, even with all available wells turned on. If the 1,126 gpm fire flow demand occurred during a time period when the Tank 8 booster pump station was out of service, pressures at the Project area would drop significantly (resultant system pressures would be less than 20 psi), indicating that there is inadequate supply to maintain pressures in the region (see Figure 3). It should also be noted that this area of the City has experienced groundwater supply reliability problems, due to chemical and/or radionuclides impacting the groundwater drinking supplies.

This result indicates that a redundant booster pump of the same size must be installed at Tank 8 to ensure system reliability, and the ability to maintain minimal pressures and flows during a loss of one of the pumps.










## CONCLUSION

Results from the September 2003 hydraulic model validated the field observations obtained during the hydrant flow test near 414 East Glenn Avenue by the City's Fire Department. In addition, the analysis indicated that a redundant pump at Tank 8 is necessary to be able to reliably maintain required system pressures and flows. Therefore, as a condition of annexation, we recommend that the Project's applicant be conditioned to provide funding for the installation of a redundant pump and associated appurtenances to connect this pump into the existing distribution system, at the Tank 8 reservoir site.

CAD FILE: J:\Engineering\118\02-DV\Task 80 - Dr-csl Services\Glenn Ave\TM\FIG01.dwg DATE: Dr-12-04 9:00am



### LEGEND

-  CITY TANK & PUMP STATION
-  IN SERVICE CITY WELL
-  OUT OF SERVICE CITY WELL
-  PRESSURE LESS THAN 20 PSI
-  PRESSURE BETWEEN 20 & 30 PSI
-  PRESSURE BETWEEN 30 & 40 PSI
-  PRESSURE BETWEEN 40 & 50 PSI
-  PRESSURE BETWEEN 50 & 60 PSI
-  PRESSURE HIGHER THAN 60 PSI

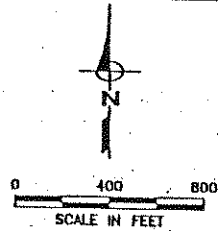
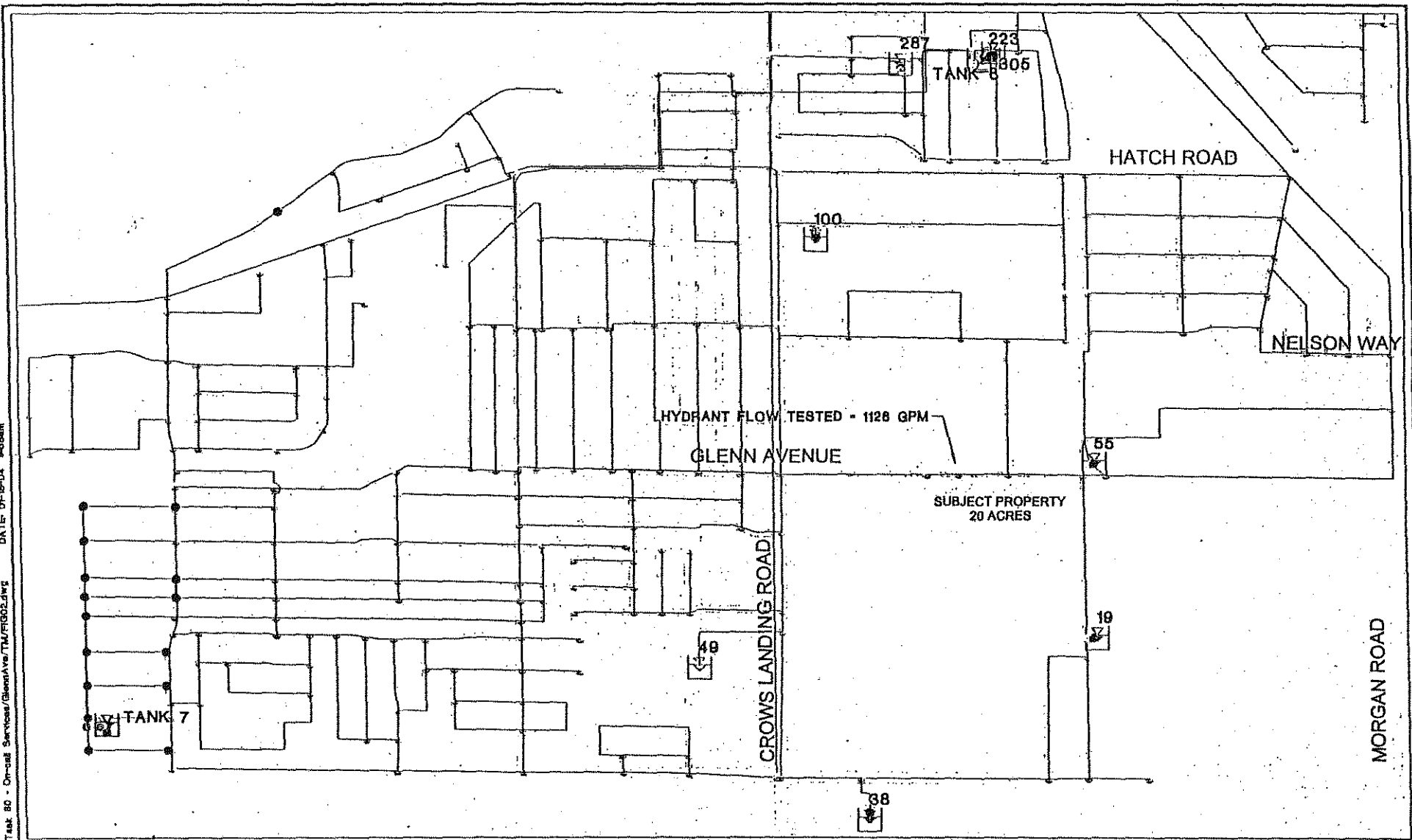


Figure 1

City of Modesto  
**GLENN AVENUE FLOW TEST  
 LOCATION & STATIC PRESSURES**



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### LEGEND

- CITY TANK & PUMP STATION
- IN SERVICE CITY WELL
- OUT OF SERVICE CITY WELL
- PRESSURE LESS THAN 20 PSI
- PRESSURE BETWEEN 20 & 30 PSI
- PRESSURE BETWEEN 30 & 40 PSI
- PRESSURE BETWEEN 40 & 50 PSI
- PRESSURE BETWEEN 50 & 60 PSI
- PRESSURE HIGHER THAN 60 PSI

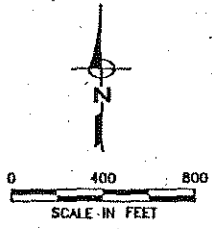
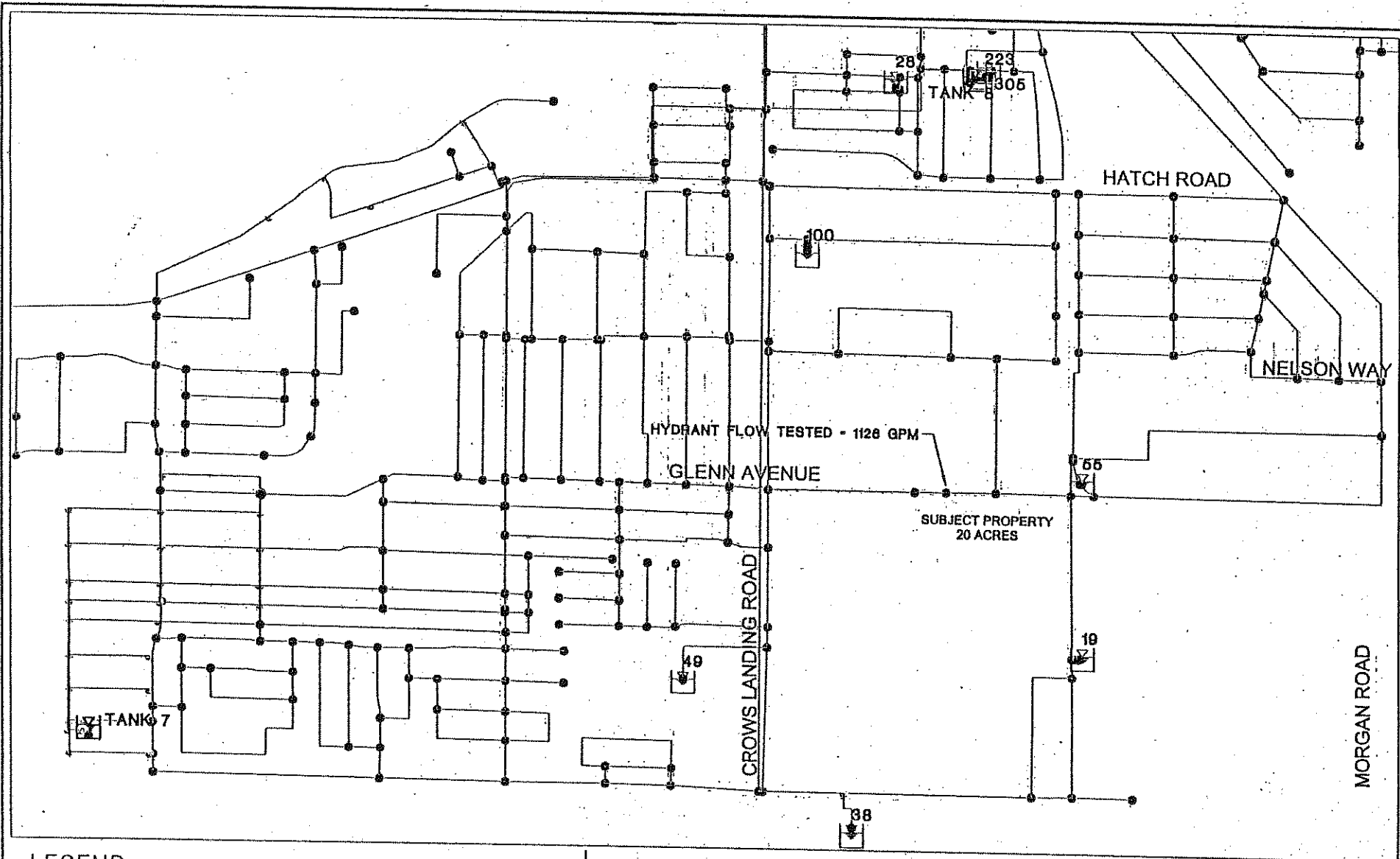


Figure 2

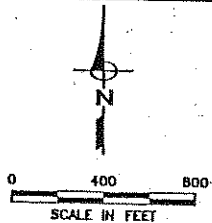
City of Modesto  
**GLENN AVE HYDRANT FLOW TEST  
 RESIDUAL PRESSURES**





LEGEND

- CITY TANK & PUMP STATION
- IN SERVICE CITY WELL
- OUT OF SERVICE CITY WELL
- PRESSURE LESS THAN 20 PSI
- PRESSURE BETWEEN 20 & 30 PSI
- PRESSURE BETWEEN 30 & 40 PSI
- PRESSURE BETWEEN 40 & 50 PSI
- PRESSURE BETWEEN 50 & 60 PSI
- PRESSURE HIGHER THAN 60 PSI



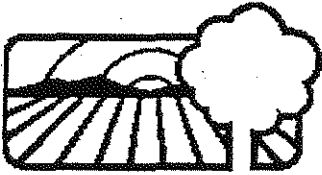
CITY of MODESTO

Figure 3

City of Modesto  
**GLENN AVE HYDRANT FLOW TEST**  
 RESIDUAL PRESSURES W/O TANK 8 PUMP STATION



WEST  
YOST  
& ASSOCIATES

**City of Modesto**

# Memo

**To:** Cindy Van Empel  
**From:** Will Wong *WW*  
**CC:** Jack Bond  
**Date:** 10/14/2004  
**Re:** 414 East Glenn Avenue water service.

---

Cindy,

A recent hydraulic model analysis for the future development for 414 East Glenn Avenue concluded that, based on existing conditions in the area, the City of Modesto Water Distribution System is able to provide sufficient water supply to the proposed 19-unit development at 414 East Glenn Avenue. This determination is based on the proposed light industrial/commercial use of the development.

However, the analysis also identified a deficiency of the current water system. When the booster pump at Tank #8 is out-of-service (either due to repairs or electrical outages), there are water supply and pressure problems in the South Modesto water system.

Therefore, the City Engineering Department recommends that, before any permits are issued for this development, improvements must be made to Tank #8. These improvements include, but not limited to, an additional water booster pump, and back-up generator. The back-up booster pump and generator will provide reliability to the water system, and ensure the quality of water service can be maintained.

Cindy, if you have any questions or comments, please feel free to contact me at 1-5801. Thanks.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-687**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF  
MODESTO 2004-2005 HUD ANNUAL ACTION PLAN.**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the Modesto City Council, at its May 11, 2004, meeting approved the adoption of the 2004-2005 Annual Action Plan, and

WHEREAS, City staff has proposed amendments to the Annual Action Plan, and said proposed amendments are as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to notify the community of proposed amendments to the Annual Action Plan, and to provide a 30-day comment period, which began November 12, 2004, and ended on December 14, 2004, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) considered the proposed changes to the Annual Action Plan at its November 19, 2004, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on December 14, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, to consider approval of the proposed amendments to the 2004-2005 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2004-2005 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2004-2005 Annual Action Plan is attached hereto as **Exhibit "A"** and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Acting City Manager, or his designee, is hereby authorized to execute any documents with respect to the Amendment to be submitted to the Regional HUD office.

BE IT FURTHER RESOLVED that any and all documents necessary to implement the Action Plan shall require further Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

<u>FY 2004-2005 CDBG Budget</u>	<u>FY04-05</u>	<u>Amendment</u>	<u>Total</u>
<b>Housing Development, Preservation &amp; Home Ownership</b>	<b>1,746,904</b>	<b>84,000</b>	<b>1,830,904</b>
First-Time Homebuyers Classes	3,000		3,000
Down Payment Assistance Program	303,000		303,000
Housing Rehabilitation Loans	550,000		550,000
Property Enhancement	4,000		4,000
Paint/Insulation Rebate	4,000		4,000
Tool Bank Program	1,000		1,000
Emergency Home Repair / Disabled Access Assistance Programs	150,000	74,000	224,000
Building Code Enforcement	52,000		52,000
Lead-Based Paint Services	8,500	10,000	18,500
Housing Demolition	2,000		2,000
Temporary Relocation	5,000		5,000
Rehabilitation Support	664,404		664,404
<b>Infrastructure &amp; Public Improvement</b>	<b>1,313,337</b>	<b>1,831,127</b>	<b>3,144,464</b>
04-05 ADA Improvements - Curb Ramps	101,912	45,000	146,912
04-05 Street Paving in Low Income Areas	130,000	291,536	421,536
Neighborhood-Based Projects	30,000		30,000
Property Acquisition	849,927	254,891	1,104,818
Neighborhood Center at Marshall Park (includes \$100K for playground equipment)		245,000	245,000
Maddox Youth Center		144,700	144,700
ADA Improvement - King Kennedy Center		20,000	20,000
KKMC Neighborhood Collaborative		125,000	125,000
Public Improvement - Robertson Road Park		20,000	20,000
03-04 ADA Improvements - Curb Ramps		45,000	45,000
1230 12th Street (SSN Bldg) Retrofit	201,498		201,498
Property Acquisition - Habitat for Humanity		640,000	640,000
<b>Neighborhood Preservation &amp; Stabilization</b>	<b>298,416</b>	<b>12,000</b>	<b>310,416</b>
Alley Closure	15,723		15,723
Neighborhood Clean-up Projects	18,000	12,000	30,000
Code Enforcement	238,971		238,971
Community Based Development Organizations	25,722		25,722
<b>Economic Development</b>	<b>0</b>	<b>20,000</b>	<b>20,000</b>
Workforce Development Program		20,000	20,000

<u>FY 2004-2005 CDBG Budget</u>	<u>FY04-05</u>	<u>Amendment</u>	<u>Total</u>
<b>Public Services</b>	<b>567,543</b>	<b>40,103</b>	<b>607,646</b>
<b>Public Services (CDBG)</b>	<b>458,100</b>	<b>25,161</b>	<b>483,261</b>
CHSS "Homeless Prevention Case Mgmt"	43,280		43,280
Stanislaus Literacy Center "Adult Literacy"	31,785		31,785
United Way "UW Information & Referral Program"	13,044		13,044
Second Harvest Food Bank "Food Assistance Program"	35,000		35,000
Stanislaus Community Assistance Project "Nutritional Supplement & Education Program (NSEP)"	41,485		41,485
The Salvation Army "Hotel Food"	10,000		10,000
Victory Life Center / Modesto Love Center "Commodity Supplement Food Program"	15,470		15,470
CHSS "Winter Shelter for Homeless"		15,000	15,000
Interfaith Ministries "Santa Fe Homeless Shelter - Rent & Food"		2,000	2,000
The Salvation Army "Emergency Winter Shelter"		8,161	8,161
DRAIL "Assistive Technology Services"	18,000		18,000
Children Crisis Center "Cricket's House Respite Childcare"	18,720		18,720
Children's Crisis Center "Sawyer House Nursery Expansion Project"	13,000		13,000
Parent Resource Center "The ABCs of Childcare Expansion & Enhancement"	21,747		21,747
MPD "Crime Free Multi-Housing Project"	150,000		150,000
Project Sentinel "Fair Housing"	22,000		22,000
Project Sentinel "Tenant-Landlord Services"	24,569		24,569
<b>Public Services for the Homeless (RLF)</b>	<b>109,443</b>	<b>14,942</b>	<b>124,385</b>
CHSS "Homeless Prevention Case Mgmt"	29,720		29,720
The Salvation Army "Homeless Noon Meals Program"	10,000		10,000
Interfaith Ministries "Santa Fe Homeless Shelter - Rent & Food"	42,800		42,800
Children's Crisis Center "Sawyer House Children's Homeless Shelter"	10,063		10,063
Center for Human Services "Pathways Transitional Living Program"	16,860		16,860
The Salvation Army "Emergency Winter Shelter"		14,942	14,942
<b>Program Administration &amp; Planning</b>	<b>646,800</b>	<b>0</b>	<b>646,800</b>
General Administration	516,707	-50,000	466,707
Indirect Administration	83,648		83,648
Fair Housing Services	35,000		35,000
Planning & Capacity Building	11,445	50,000	61,445
<b>Loan Repayments</b>	<b>361,000</b>	<b>0</b>	<b>361,000</b>
Repayments for Section 108 Loan Guarantee	361,000		361,000
<b>RLF Interest Payment</b>	<b>50,000</b>	<b>0</b>	<b>50,000</b>
Interest Payment	50,000		50,000
<b>TOTAL</b>	<b>4,984,000</b>	<b>1,987,230</b>	<b>6,971,230</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-688**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL  
OPERATING BUDGET TO REFLECT APPROVED CHANGES TO THE HUD  
ANNUAL ACTION PLAN.**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 11, 2004, meeting approved the adoption of the 2004-2005 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that changes should be made to programs and services provided to better meet the needs of the citizens of Modesto, and

WHEREAS, these program changes require reallocation of operating budget funds, and

WHEREAS, reallocation of these funds is more fully described on Exhibit "A", attached hereto and incorporated by reference, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) considered the proposed changes to the Annual Action Plan at its November 19, 2004, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on December 14, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010

Tenth Street, to consider approval of the proposed amendments to the 2004-2005 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2004-2005 Annual Operating Budget is hereby amended to reallocate the Community Development Block Grant (CDBG) as indicated on Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130  
 (Operating Budget)

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

1130-320-3212- 3511	na	0	45,000	45,000	CDBG Carryover
1130-320-3213- 3511	na	0	45,000	45,000	CDBG Carryover
1130-320-3220- 3511	na	48,154	20,000	68,154	CDBG Carryover
1130-320-3222- 3511	na	0	291,536	291,536	CDBG Carryover
1130-320-3230- 3511	na	0	20,000	20,000	CDBG Carryover
1130-320-3254- 3511	na	200,000	182,161	382,161	CDBG Carryover
1130-320-3256- 3511	na	0	10,000	10,000	CDBG Carryover
		<b>248,154</b>	<b>613,697</b>	<b>861,851</b>	<b>Total</b>
<b>Fund 1130</b>		<b>248,154</b>	<b>613,697</b>	<b>861,851</b>	<b>Total</b>

### APPROPRIATIONS

1130-320-3212- 6040	3250C	138,473	45,000	183,473	Construction
		<b>189,440</b>	<b>45,000</b>	<b>234,440</b>	<b>Total</b>
1130-320-3213- 6010	3250C	16,912	6,750	23,662	Engineering/Design/Admin
1130-320-3213- 6040	3250C	65,000	29,250	94,250	Construction
1130-320-3213- 6050	3250C	10,000	4,500	14,500	Contingency
1130-320-3213- 6060	3250C	10,000	4,500	14,500	Construction Admin
		<b>101,912</b>	<b>45,000</b>	<b>146,912</b>	<b>Total</b>
1130-320-3220- 6010	3250C	2,043	2,000	4,043	Engineering/Design/Admin
1130-320-3220- 6040	3250C	38,411	18,000	56,411	Construction
		<b>48,154</b>	<b>20,000</b>	<b>68,154</b>	<b>Total</b>
1130-320-3222- 6010	3250C	19,500	43,730	63,230	Engineering/Design/Admin
1130-320-3222- 6040	3250C	84,500	189,498	273,998	Construction
1130-320-3222- 6050	3250C	13,000	29,154	42,154	Contingency
1130-320-3222- 6060	3250C	13,000	29,154	42,154	Construction Admin
		<b>130,000</b>	<b>291,536</b>	<b>421,536</b>	<b>Total</b>

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130  
 (Operating Budget)

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<b>CDBG Fund 1130 (Operating Budget) continuation</b>					
1130-320-3230- 0235	3250C	0	6,000	6,000	Services, Professional & Other
1130-320-3230- 0255	3250C	0	1,000	1,000	Services City Forces
1130-320-3230- 0304	3250C	0	3,000	3,000	Custodian/Institutional Supplies
1130-320-3230- 0370	3250C	0	10,000	10,000	Miscellaneous Supplies
		<b>0</b>	<b>20,000</b>	<b>20,000</b>	<b>Total</b>
1130-320-3254- 0318	3250C	18,000	12,000	30,000	Target Area Cleanup
1130-320-3254- 0496	3250C	458,100	45,161	503,261	CDBG - Direct Grants (Public Services)
1130-320-3254- 0506	3250C	50,000	125,000	175,000	King Kennedy Center Expansion
		<b>526,100</b>	<b>182,161</b>	<b>708,261</b>	<b>Total</b>
1130-320-3256- 0502	3250C	5,000	1,000	6,000	Lead Based Paint Testing
1130-320-3256- 0503	3250C	500	2,000	2,500	Lead Based Paint Clearance
1130-320-3256- 0504	3250C	3,000	7,000	10,000	Lead Based Paint Abatement
		<b>8,500</b>	<b>10,000</b>	<b>18,500</b>	<b>Total</b>
<b>Fund 1130</b>		<b>1,004,106</b>	<b>613,697</b>	<b>1,617,803</b>	<b>Total</b>

### COMMENTS/JUSTIFICATION

Adjustments for FY04-05 CDBG Operating Budget reflect changes on the HUD Annual Action Plan Amendment.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-689**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 FUNDING FOR  
THE CAPITAL IMPROVEMENT BUDGET TO REFLECT APPROVED  
CHANGES TO THE HUD ANNUAL ACTION PLAN.**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 11, 2004, meeting approved the adoption of the 2004-2005 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that additional revenue from prior years' carryover Community Development Block Grant (CDBG) program funds will be available for capital improvement projects, and

WHEREAS, staff recommends that the available funding be programmed for new and existing projects, and

WHEREAS, programming of these funds is more fully described on Exhibit "A", attached hereto and incorporated by reference, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) considered the proposed changes to the Annual Action Plan at its November 19, 2004, meeting, and the Committee recommended that the City Council approve the amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on December 14, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010

Tenth Street, to consider approval of the proposed amendments to the 2004-2005 HUD Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2004-2005 funding for the Capital Improvement Plan Budget is hereby amended to estimate new revenue, appropriate new expenses and reallocate HUD Funds as indicated on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Funds 1130, 1190, 1300, 2300      FY: 2004 - 2005  
 (CIP M163: Neighborhood Center at Marshall Park)      Transfer No. \_\_\_\_\_  
 (CIP M182: Maddux Youth Center)

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

1300-310-M163 3191	na	166,485	0	166,485	JHBP Grant
1300-700-M163 9113	na	268,000	245,000	513,000	Transfer in from Fund 1130
1300-700-M163 9119	na	3,495,000	0	3,495,000	Transfer in from Fund 1190
		<b>3,929,485</b>	<b>245,000</b>	<b>4,174,485</b>	<b>Total</b>
2300-310-M182 3510	na	548,262	0	548,262	Prop 12
2300-700-M182 7010	na	150,000	0	150,000	Transfer in from Fund 0100
2300-700-M182 7130	na	205,300	144,700	350,000	Transfer in from Fund 1130
2300-700-M182 7190	na	1,005,000	0	1,005,000	Transfer in from Fund 1190
		<b>1,908,562</b>	<b>144,700</b>	<b>2,053,262</b>	<b>Total</b>
		<b>5,838,047</b>	<b>389,700</b>	<b>6,227,747</b>	<b>Total</b>

### APPROPRIATIONS

1300-310-M163 6010	M163G	223,200	100,000	323,200	Engineering/Design/Admin
1300-310-M163 6040	M163G	3,256,765	145,000	3,401,765	Construction
1300-310-M163 6050	M163G	200,120	0	200,120	Contingency
1300-310-M163 6060	M163G	249,400	0	249,400	Construction Admin
		<b>3,929,485</b>	<b>245,000</b>	<b>4,174,485</b>	<b>Total</b>
2300-310-M182 6010	M182G	136,400	0	136,400	Engineering/Design/Admin
2300-310-M182 6040	M182G	1,119,562	144,700	1,264,262	Construction
2300-310-M182 6050	M182G	345,200	0	345,200	Contingency
2300-310-M182 6060	M182G	207,400	0	207,400	Construction Admin
2300-310-M182 6070	M182G	100,000	0	100,000	Equipment
		<b>1,908,562</b>	<b>144,700</b>	<b>2,053,262</b>	<b>Total</b>
		<b>5,838,047</b>	<b>389,700</b>	<b>6,227,747</b>	<b>Total</b>

### COMMENTS/JUSTIFICATION

Adjustments reflect changes on the HUD Annual Action Plan Amendment

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-690**

**A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL  
OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET TO  
REFLECT REVENUES AND APPROPRIATIONS AS ADOPTED, AND  
CARRYOVER AMOUNTS FROM PRIOR YEAR.**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its May 11, 2004, meeting approved the adoption of the 2004-2005 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that some adjustments need to be made in order to align the City's budget to the HUD financial system, and

WHEREAS, some of these changes require a transfer of funds from the General Fund Reserve, and

WHEREAS, these changes are shown on **Exhibit "A"**, attached hereto and incorporated by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2004-2005 Annual Operating Budget and Capital Improvement Budget are hereby amended to reflect adjustments to the HUD fund as indicated on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December, 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130  
 (Operating Budget)

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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### DEPARTMENTAL REVENUES

1130-320-3220- 3511	na	2,043	46,111	48,154	CDBG Carryover
1130-320-3254- 3511	na	0	200,000	200,000	CDBG Carryover
<b>Fund 1130</b>		<b>2,043</b>	<b>246,111</b>	<b>248,154</b>	<b>Total</b>

### APPROPRIATIONS

1130-320-3220- 6010	3250C	2,043	0	2,043	Engineering/Design/Admin
1130-320-3220- 6040	3250C	0	38,411	38,411	Construction
1130-320-3220- 6050	3250C	0	3,850	3,850	Contingency
1130-320-3220- 6060	3250C	0	3,850	3,850	Construction Admin
		<b>2,043</b>	<b>46,111</b>	<b>48,154</b>	<b>Total</b>
1130-320-3254- 0506	3250C	0	50,000	50,000	King Kennedy Center Expansion
1130-320-3254- 0511	3250C	0	150,000	150,000	Homeless Day Facility
		<b>0</b>	<b>200,000</b>	<b>200,000</b>	<b>Total</b>
<b>Fund 1130</b>		<b>2,043</b>	<b>246,111</b>	<b>248,154</b>	<b>Total</b>

### COMMENTS/JUSTIFICATION

Adjustments required to re-appropriate unspent budget from FY03-04 for on-going activities.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: Funds 1130, 1190, 1300, 2300      FY: 2004 - 2005  
 (CIP M163: Neighborhood Center at Marshall Park)      Transfer No. \_\_\_\_\_  
 (CIP M182: Maddux Youth Center)

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

1300-310-M163 3191	na	166,485	0	166,485	JHBP Grant
1300-700-M163 9113	na	3,370,000	-3,102,000	268,000	Transfer in from Fund 1130
1300-700-M163 9119	na	0	3,495,000	3,495,000	Transfer in from Fund 1190
		<b>3,536,485</b>	<b>393,000</b>	<b>3,929,485</b>	<b>Total</b>
2300-310-M182 3510	na	548,262	0	548,262	Prop 12
2300-700-M182 7010	na	150,000	0	150,000	Transfer in from Fund 0100
2300-700-M182 7130	na	1,623,800	-1,418,500	205,300	Transfer in from Fund 1130
2300-700-M182 7190	na	0	1,005,000	1,005,000	Transfer in from Fund 1190
		<b>2,322,062</b>	<b>-413,500</b>	<b>1,908,562</b>	<b>Total</b>
		<b>5,858,547</b>	<b>-20,500</b>	<b>5,838,047</b>	<b>Total</b>

**APPROPRIATIONS**

1300-310-M163 6010	M163G	223,200	0	223,200	Engineering/Design/Admin
1300-310-M163 6040	M163G	2,863,165	393,600	3,256,765	Construction
1300-310-M163 6050	M163G	200,120	0	200,120	Contingency
1300-310-M163 6060	M163G	249,400	0	249,400	Construction Admin
		<b>3,535,885</b>	<b>393,600</b>	<b>3,929,485</b>	<b>Total</b>
2300-310-M182 6010	M182G	136,400	0	136,400	Engineering/Design/Admin
2300-310-M182 6040	M182G	1,533,062	-413,500	1,119,562	Construction
2300-310-M182 6050	M182G	345,200	0	345,200	Contingency
2300-310-M182 6060	M182G	207,400	0	207,400	Construction Admin
2300-310-M182 6070	M182G	100,000	0	100,000	Equipment
		<b>2,322,062</b>	<b>-413,500</b>	<b>1,908,562</b>	<b>Total</b>
		<b>5,857,947</b>	<b>-19,900</b>	<b>5,838,047</b>	<b>Total</b>

**COMMENTS/JUSTIFICATION**

Adjustments required to reflect proper funding source for Section 108 Loan, and to correct revenue and appropriation amounts.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

## REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu  
 Telephone No.: 571-5506  
 Department: Parks, Recreation & Neighborhoods

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: CDBG Fund 1130 & General Fund 0100  
 (CIP: ADA Signal Devise)

FY: 2004 - 2005  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Objec	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

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**APPROPRIATIONS**

0100-800-8000- 8003	na	-908,429	-23,633	-932,062	General Fund 0100 Balance
1130-320-3211- 6010	3250C	0	2,000	2,000	Engineering/Design/Admin
1130-320-3211- 6040	3250C	0	19,633	19,633	Construction
1130-320-3211- 6050	3250C	0	1,000	1,000	Contingency
1130-320-3211- 6060	3250C	0	1,000	1,000	Construction Admin
		<b>0</b>	<b>23,633</b>	<b>23,633</b>	<b>Total</b>
		<b>0</b>	<b>23,633</b>	<b>23,633</b>	<b>Grand Total</b>

**COMMENTS/JUSTIFICATION**

Adjustments required to re-appropriate unspent budget from FY03-04.  
 This project was funded with \$50,000 General Fund, transferred to CDBG.  
 Project initiated in FY02-03, started in FY03-04; to be completed in FY04-05.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or <b>AUTHORIZED ASSISTANT</b> (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b> (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-691**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR PROPOSALS (RFP) FOR LANDSCAPE MAINTENANCE SERVICES FOR ALL PARK, RIGHT-OF-WAY AND PUBLIC LANDSCAPING OWNED AND/OR MANAGED BY THE CITY OF MODESTO FOR A FIVE (5) YEAR PERIOD WITH AN OPTION TO RENEGOTIATE FOR AN ADDITIONAL FIVE (5) YEAR PERIOD AT AN ESTIMATED ANNUAL COST OF \$1,200,000.**

WHEREAS, the City of Modesto's Parks, Recreation and Neighborhoods Department, Park Services Division provides landscape maintenance services to over 530 acres of landscaping for 66 parks and about 150 other landscaped sites including public buildings, street medians, sound walls, traffic islands and other miscellaneous sites, and

WHEREAS, funding for this maintenance is provided primarily by the City's General Fund, although a number of sites are funded from other sources including the Tuolumne River Regional Park JPA, Parking Fund, Centre Plaza, Storm Drain Fund and several Community Facility Districts, and

WHEREAS, over the past four to five years there has been a dramatic decline in landscape maintenance service levels, and

WEHREAS, staff now desires to solicit Requests for Proposals (RFP) for Landscape Maintenance Services for all park, right-of-way and public landscaping owned and/or managed by the City of Modesto, and

WHEREAS, the pre-eminent reason for seeking proposals from the private sector is to determine if such an action would indeed restore those service levels that have deteriorated over the past 4-5 years at no greater a cost than is currently expended for landscape services at the existing service levels, and

WHEREAS, the Economic Development Committee met on September 13, 2004, and supported the recommendation to solicit Requests for Proposals for Landscape Maintenance Services, and

WHEREAS, the Finance Committee met on September 27, 2004, and supported the recommendation to solicit Requests for Proposals for Landscape Maintenance Services

WHEREAS, Modesto Municipal Code, Section 8-3.203, generally requires all purchases, which meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, the issuance of a formal Request for Proposal for the furnishing of Landscape Maintenance Services will conform to Modesto Municipal Code Section 8-3.203,

NOW, THEREFORE, BE IT HEREBY RESOVLED by the Council of the City of Modesto as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed proposals for Landscape Maintenance Services for all park, right-of-way and public landscaping owned and/or managed by the City of Modesto, for a five (5) year period, with an option to renegotiate for an additional five (5) year period, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed proposals in the time, form, and manner provided by law.

SECTION 2. After the sealed proposals are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-692**

**A RESOLUTION DIRECTING STAFF TO NEGOTIATE WITH MCEA AND MCMA RELATED TO THE POTENTIAL DISPLACEMENT OF FULL-TIME EMPLOYEES THAT MIGHT OCCUR AS A RESULT OF CONTRACTING OUT LANDSCAPE MAINTENANCE SERVICES, AND TO DECLARE AN IMPASSE IN NEGOTIATIONS IF THESE GROUPS AND THE CITY ARE UNABLE TO REACH AN AGREEMENT.**

WHEREAS, the City of Modesto's Parks, Recreation and Neighborhoods Department, Park Services Division provides landscape maintenance services to over 530 acres of landscaping for 66 parks and about 150 other landscaped sites including public buildings, street medians, sound walls, traffic islands and other miscellaneous sites, and

WHEREAS, staff now desires to solicit Requests for Proposals for Landscape Maintenance Services from pre-qualified bidders for all park, right-of-way and public landscaping owned and/or managed by the City of Modesto, and

WHEREAS, the Memoranda of Understanding between the City and the Modesto City Employees Association (MCEA) and the Modesto Confidential and Management Association (MCMA) provide for negotiation when full-time employees face potential displacement, and

WHEREAS, the Economic Development Committee met on September 13, 2004, and supported the recommendation to solicit Requests for Proposals for Landscape Maintenance Services, and

WHEREAS, the Finance Committee met on September 27, 2004, and supported the recommendation to solicit Requests for Proposals for Landscape Maintenance Services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to negotiate with MCEA and MCMA related to the potential displacement of full-time employees that might occur as a result of contracting out landscape maintenance services.

BE IT FURTHER RESOLVED that the Council authorizes staff to declare an impasse in negotiations if these groups and the City are unable to reach an agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of December 2004, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,  
O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney